

CITY OF HOBOKEN
PLANNING BOARD

- - - - - X
REGULAR MEETING OF THE HOBOKEN : July 5, 2016
PLANNING BOARD : 7:08 p.m.
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Jim Doyle
Commissioner Ann Graham
Commissioner Caleb McKenzie
Commissioner Ryan Peene
Commissioner Tom Jacobson
Commissioner Kelly O'Connor

A L S O P R E S E N T:

David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED SHORTHAND REPORTER
CERTIFIED REALTIME REPORTER
Phone: (732) 735-4522

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Attorney for the Board.

I N D E X

PAGE

Board Business

1

PT Maxwell, LLC

5

HEARINGS

726-732 Grand Street

8

115-131 Grand Street

20

462 Newark Street

94

1 CHAIRMAN HOLTZMAN: Okay. We are going
2 to get started, everybody.

3 Thank you.

4 All right. It is Tuesday, July 5th,
5 2016. It is 7:08 p.m. This is the Hoboken Planning
6 Board Meeting.

7 I would like to advise all of those
8 present that notice of this meeting has been
9 provided to the public in accordance with the
10 provisions of the Open Public Meetings Act, and that
11 notice was published in The Jersey Journal and on
12 the city's website. Copies were also provided to
13 The Star-Ledger, The Record, and also placed on the
14 bulletin board in the lobby of City Hall.

15 Pat, please call the roll.

16 MS. CARCONE: Commissioner Holtzman?

17 CHAIRMAN HOLTZMAN: Here.

18 MS. CARCONE: Commissioner Magaletta?

19 VICE CHAIR MAGALETTA: Here.

20 MS. CARCONE: Commissioner Stratton is
21 going to be late.

22 Commissioner Forbes is absent.

23 Commissioner Doyle?

24 COMMISSIONER DOYLE: Here.

25 MS. CARCONE: Commissioner Graham?

1 COMMISSIONER GRAHAM: Here.

2 MS. CARCONE: Commissioner McKenzie?

3 COMMISSIONER MC KENZIE: Here.

4 MS. CARCONE: Commissioner Pinchevsky
5 is absent.

6 Commissioner Peene?

7 COMMISSIONER PEENE: Here.

8 MS. CARCONE: Commissioner Jaccobson?

9 COMMISSIONER JACOBSON: Here.

10 MS. CARCONE: Commissioner O'Connor?

11 COMMISSIONER O'CONNOR: Here.

12 CHAIRMAN HOLTZMAN: Thank you.

13 Okay. The first items on our agenda
14 are some administrative issues.

15 I have a note here from Mr. Glenn
16 Pantel representing Toll Brothers:

17 "Dear Pat,

18 "As I discussed with Dennis earlier
19 today, in light of the passage of legislation
20 extending for one additional year the protections
21 afforded by the Permit Extension Act of 2008 and
22 signed into law by the governor on June 30th, 2016,
23 we are withdrawing without prejudice the above
24 application."

25 This is for an application for PT

1 Maxwell, extension of vesting of final site plan
2 approval for Block D in the Maxwell Place on Hudson,
3 1101-1125 Hudson Street.

4 MR. GALVIN: Can I add to that?

5 CHAIRMAN HOLTZMAN: Please.

6 COMMISSIONER GRAHAM: What does that
7 mean exactly? Oh, I'm sorry.

8 MR. GALVIN: I knew you were going to
9 ask that question, so I'm prepared to answer it.

10 COMMISSIONER GRAHAM: Good.

11 MR. GALVIN: I think everybody was
12 surprised by this sudden appearance of this law --

13 COMMISSIONER GRAHAM: Yeah.

14 MR. GALVIN: -- including people in the
15 legislature.

16 What it does is it extends for one
17 year -- no, I heard that even Senator Smith was like
18 surprised. I think he is a senator. I don't want
19 to demote him.

20 But what it is does, it only covers the
21 nine most impacted counties. So if any of you work
22 with this stuff other places, be careful, because it
23 is only for like Ocean, Monmouth, Hudson, those
24 counties that were affected, all right? And for one
25 year they have coverage, so I guess they will come

1 back a year from now, if they need to.

2 CHAIRMAN HOLTZMAN: I guess so.

3 Okay. Any other questions for Dennis?

4 Not much for us to do on that except to
5 move on.

6 (Continue on next page)

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CITY OF HOBOKEN
PLANNING BOARD
HOP-16-13

- - - - - X
RE: 726-732 Grand Street : July 5, 2016
BLOCK: 85, LOTS 14, 15.05-15.08 :
APPLICANT: FGAM, LLC :
Final Site Plan Review : 7:10 p.m.
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Jim Doyle
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ROBERT C. MATULE, ESQUIRE
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Hoboken, New Jersey 07030
Attorney for the Applicant.

1 CHAIRMAN HOLTZMAN: The first item on
2 our agenda is 726-732 Grand Street.

3 Mr. Matule, are you folks ready for us?

4 MR. MATULE: Yes.

5 Good evening, Mr. Chairman, Board
6 Members.

7 Robert Matule appearing on behalf of
8 the applicant.

9 This is an application for property at
10 726-732 Grand Street. If you recall, we received
11 preliminary approval of variances in January of this
12 year to construct a five-story building, 28
13 residential units, two commercial spaces, and 29
14 parking spaces in two phases.

15 If you recall, this is the one where
16 there was going to be the raised detention tank
17 above ground in the backyard. We are now requesting
18 final.

19 We have submitted our license agreement
20 with the city for the encroachment. We submitted
21 our soil erosion approval, our will-serve letters
22 from Suez and PSE&G, our pre-work approval
23 application to NJDEP, and our stormwater management
24 report, so I believe we have addressed all of the
25 conditions of preliminary approval, and we are

1 requesting that the Board sign off on the final.

2 CHAIRMAN HOLTZMAN: Dave, did you have
3 any additional comments or questions on this?

4 MR. ROBERTS: I think, Mr. Chairman,
5 the letters I think are pretty self-explanatory.

6 I think what you will notice in the
7 engineering letter is all of the issues that were
8 resolved.

9 There are a couple of minor things that
10 I think that the applicant is aware of in the
11 engineering letter, in terms of things that could be
12 addressed in the final plan that will be submitted
13 for approval, should the Board grant it.

14 We found that the plans were consistent
15 with the preliminary approval.

16 We had one real minor bullet on our
17 planning letter having to do with the zoning table,
18 which is again an easy fix.

19 And the one issue that I think is
20 worthy of discussion has to do with the remediation
21 issue. Andy's LSRP took a look at some of the
22 information and referenced some of the comments in
23 our letter. Most of the comments in the engineering
24 letter had to do with -- that back portion had to do
25 with the remediation.

1 Andy came up with -- actually Joe
2 Torlucci came up with some recommended conditions
3 for the Board to consider. I believe Andy went over
4 that with Mr. Matule.

5 MR. MATULE: Yes.

6 I can state for the record that Maser's
7 LSRP in response to the response from our LSRP
8 actually distilled them down into a series of
9 conditions in terms of labor monitoring and public
10 notice and things of that nature, which I have
11 reviewed with our LSRP and with the applicant, and
12 we are totally fine with the conditions that Mr.
13 Hipolit or his LSRP proposed.

14 MR. ROBERTS: And I have, Mr. Chairman,
15 a memo to Andy from Joe Torlucci that outlines those
16 bullets. I can give those to Dennis. I don't know
17 if you have them.

18 MR. GALVIN: I already got them and
19 printed them.

20 MR. ROBERTS: You already got them.
21 Okay.

22 CHAIRMAN HOLTZMAN: Do we need to make
23 that --

24 MR. ROBERTS: An exhibit or?

25 CHAIRMAN HOLTZMAN: Yes.

1 MR. GALVIN: Okay.

2 MR. ROBERTS: That was it.

3 MR. MATULE: I actually have a copy of
4 that memorandum as well, and we are totally fine
5 with it.

6 CHAIRMAN HOLTZMAN: Okay. Great.

7 So the short is that the Maser's LSRP
8 took a look at what they were proposing, worked out
9 some additional enhancements just to improve the
10 site remediation -- not the remediation so much as
11 sort of the monitoring that seemed to be mostly
12 focused --

13 MR. ROBERTS: Right.

14 CHAIRMAN HOLTZMAN: -- on the
15 monitoring.

16 MR. ROBERTS: A lot of these
17 stipulations have to do with preconstruction,
18 construction issues, and we just felt that it was
19 helpful to have it in the resolution.

20 CHAIRMAN HOLTZMAN: Great.

21 Mr. Peene?

22 COMMISSIONER PEENE: Yes.

23 Mr. Matule, good evening.

24 On Page 4, number 22, at the suggestion
25 of Maser, because of the prominence of the site, the

1 type of remediation technique, and what had been
2 there prior, Maser had recommended maybe holding a
3 public meeting for the residents to inform them of
4 what type of cleanup might take place.

5 I was just wondering if you had a
6 chance to talk to your client about that and if he
7 found that germane or not.

8 MR. MATULE: We can certainly have that
9 conversation. I know it wasn't called out as one of
10 the specific conditions. I know they want a sign
11 posted on the site with contact information for
12 everybody, among home phone numbers, in case there
13 are any questions.

14 We are required to give the mayor's
15 office notice at least 30 days before any, you know,
16 site work or soil disturbance --

17 CHAIRMAN HOLTZMAN: Let me jump in
18 here, Bob.

19 So that is a good callout, and the
20 applicant is more than willing to participate in
21 such a thing, if it is required.

22 We are going to ask that the mayor's
23 office sort of handle this, so that the mayor, you
24 know, mayor's director of communications can do
25 outreach to the neighborhood, and if they deem it

1 appropriate, that there is a public meeting, we will
2 reach out to these folks, and they will bring, you
3 know, the requisite people.

4 COMMISSIONER PEENE: Okay. I am fine
5 with that.

6 MR. MATULE: Fine. Fine.

7 CHAIRMAN HOLTZMAN: Great.

8 Any other questions or comments about
9 the additional LSRP work or the application itself?

10 It is something that we all saw
11 obviously just recently, so it should be exactly the
12 same. There are no changes.

13 Anybody, anything?

14 Okay. If there are no questions or
15 comments, is there a motion to accept the -- Dennis,
16 do you want to read these conditions in or --

17 VICE CHAIR MAGALETTA: Nobody is here
18 for public comment --

19 CHAIRMAN HOLTZMAN: There is no one
20 here, but let's open it up --

21 MR. GALVIN: Because on final, we don't
22 notice the public. We don't have to notice the
23 public.

24 CHAIRMAN HOLTZMAN: If there are any
25 members of the public or anyone else who wishes to

1 speak or offer an opinion on this application?

2 None said.

3 Okay. Thank you.

4 We will close the public portion.

5 Do you have a set of conditions,
6 Dennis, for us, or how do you want to handle that?

7 MR. GALVIN: You said you had all
8 outside agency approvals --

9 CHAIRMAN HOLTZMAN: Well --

10 MR. GALVIN: -- at some point, yes.

11 North Hudson, did you get North Hudson?
12 Did you get all of your outside approvals?

13 MR. MATULE: We don't have our sewer
14 hookup. I mean that is a substantial fee. We don't
15 normally pay for that until we are at that point in
16 terms of getting our construction drawings done, but
17 we have our treatment work approval application
18 filed with the NJDEP and our stormwater management
19 report, so I mean, typically that is sufficient.

20 MR. GALVIN: Okay. I just wanted to
21 make sure it wasn't something outstanding.

22 CHAIRMAN HOLTZMAN: Do you have
23 those -- do you have the LSRP's comments boiled down
24 into conditions?

25 MR. GALVIN: No. What I really

1 recommend that we do is we just attach that as
2 Exhibit A, and everything that is in there, rather
3 than have me make a transposition error and mess it
4 up.

5 CHAIRMAN HOLTZMAN: Okay. Great.

6 MR. MATULE: I am also advised that all
7 of the paperwork has been submitted to North Hudson
8 for review by their engineers.

9 MR. GALVIN: So it is still subject to
10 you getting some of these other additional things?

11 MR. MATULE: Oh, sure.

12 MR. GALVIN: Okay.

13 The applicant shall comply with all of
14 the conditions of preliminary approval.

15 Two: The applicant must also comply
16 with the memo attached as Exhibit A by Joseph
17 Torlucci, the Board's LSRP of Maser Engineering.

18 I think that will cover it.

19 CHAIRMAN HOLTZMAN: Anything else?

20 Any additions or questions,
21 Commissioners?

22 If not, is there a motion to accept the
23 application with the conditions as just read?

24 COMMISSIONER PEENE: So moved.

25 CHAIRMAN HOLTZMAN: Is there a second?

1 VICE CHAIR MAGALETTA: Second.

2 CHAIRMAN HOLTZMAN: Second, Mr.

3 Magaletta.

4 Pat, please call it.

5 MS. CARCONE: Commissioner Magaletta?

6 VICE CHAIR MAGALETTA: Yes.

7 MS. CARCONE: Commissioner Doyle?

8 COMMISSIONER DOYLE: Yes.

9 MS. CARCONE: Commissioner Graham?

10 COMMISSIONER GRAHAM: Yes.

11 MS. CARCONE: Commissioner McKenzie?

12 COMMISSIONER MC KENZIE: Yes.

13 MS. CARCONE: Commissioner Peene?

14 COMMISSIONER PEENE: Yes.

15 MS. CARCONE: Commissioner Jacobson?

16 COMMISSIONER JACOBSON: Yes.

17 MS. CARCONE: Commissioner O'Connor?

18 COMMISSIONER O'CONNOR: Yes.

19 MS. CARCONE: Commissioner Holtzman?

20 CHAIRMAN HOLTZMAN: Yes.

21 Thank you.

22 MR. MATULE: Thank you.

23 (The matter concluded)

24

25

C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: 7/7/16
This transcript was prepared in accordance with
NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD
HOP-16-9

- - - - - X
RE: 115-131 Grand Street : July 5, 2016
BLOCK: 32, LOTS 8-16 :
APPLICANT: Chanti 3, LLC :
Preliminary Site Plan Approval : 7:20 p.m.
and Variances :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Caleb Stratton
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Andrew R. Hipolit, PE, PP, CME
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I N D E X

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E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
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A-2	Photo Board	27

1 CHAIRMAN HOLTZMAN: The second item on
2 our agenda this evening is 115-131 Grand Street.

3 MR. MATULE: Good evening, Mr.
4 Chairman, Board Members.

5 Robert Matule, appearing on behalf of
6 the applicant.

7 This is with respect to the property at
8 115-131 Grand. It is an application for preliminary
9 site plan approval and variances to construct a new
10 five-story 25 residential unit building with two
11 ground floor commercial spaces and 28 parking
12 spaces.

13 Mr. Ochab will go into more specifics,
14 but we are requesting variance relief for a height
15 variance for one foot, lot coverage 63.3 percent,
16 and one of the lots in this tract, Lot 16, is only
17 70 feet deep, so we are also asking for a rear yard
18 depth variance on that lot.

19 And under Section 196-33, the retail is
20 allowed, but both of our retail spaces exceed the
21 1000 square foot customer service area maximum, and
22 there are not two other retail on the same block
23 frontage, so Mr. Ochab will get into those in more
24 detail.

25 Also, I believe Mr. Roberts called it

1 out in his report, but there was an application
2 previously on this site before the Zoning Board of
3 Adjustment to build 49 units and 53 parking spaces.
4 That application was denied, and I would like to
5 think this is a much more reasonable application.

6 MR. MINERVINI: That was the prior
7 owner.

8 MR. MATULE: Oh, yes. That was the
9 prior owner of the property, the Rotundi family who
10 had owned it for many, many years.

11 MR. MINERVINI: And different
12 variances --

13 MR. MATULE: And a different staff --

14 (Laughter)

15 -- who shall remain unnamed.

16 (Laughter)

17 On that note, I would like to call
18 Frank Minervini.

19 (Board members confer)

20 THE REPORTER: Is this on the record or
21 not?

22 MR. GALVIN: I'm sorry.

23 All right. I just wanted to make sure
24 you were before the right Board.

25 MR. MATULE: Yes. 196-33.

1 MR. GALVIN: But the way you said it,
2 though, started to made me think like, hum...

3 MR. MATULE: I was just calling out the
4 conditions of 196-33 that we weren't satisfied --

5 MR. GALVIN: Even though that is not
6 applicable to this case?

7 MR. MATULE: Well, it is applicable
8 because we have two retail spaces. 196-33 permits
9 retail in a residential zone provided the customer
10 service area is not more than a thousand square
11 feet. The entrance is on the ground floor separate
12 from the residential entrance, and there has to be
13 two other retail on the same block front.

14 We have a doctor's office on the block
15 front, and our planner doesn't think that that
16 qualifies to satisfy that condition, plus in
17 discussions at the SSP, we talked about making the
18 retail spaces larger than the 1000 square feet
19 maximum. But they are -- they are not called out as
20 conditional uses in the ordinance. They are called
21 out as permitted, principal permitted uses.

22 MR. ROBERTS: Right.

23 And just for the Board, the reason that
24 they -- if this was a restaurant, the reason it
25 would be a conditional use, those same three

1 conditions is because the restaurant conditions
2 refer back to 196-33. But for any other retail
3 services or retail uses that are listed in those
4 zones, those are non conditional standards. That is
5 the way the ordinance is written --

6 MR. GALVIN: So they need a variance
7 for it anyway. But it's a C variance, is that --

8 MR. ROBERTS: It's a C Variance, yes.
9 We had one similar to this a couple
10 months ago.

11 MR. GALVIN: All right.

12 MR. MATULE: All right.

13 Mr. Minervini, ready to be sworn?

14 MR. GALVIN: Yes. I'm sorry. I am
15 still cogitating.

16 Do you swear or affirm the testimony
17 you are about to give in this matter is the truth,
18 the whole truth, and nothing but the truth?

19 MR. MINERVINI: I do.

20 F R A N K M I N E R V I N I, having been duly
21 sworn, testified as follows:

22 MR. GALVIN: State your full name for
23 the record and spell your last name.

24 THE WITNESS: Frank Minervini,
25 M-i-n-e-r-v-i-n-i.

1 MR. GALVIN: Mr. Chairman, do you
2 accept his credentials?

3 CHAIRMAN HOLTZMAN: We do.

4 MR. GALVIN: You may proceed.

5 MR. MATULE: All right.

6 THE WITNESS: Thank you.

7 MR. MATULE: Mr. Minervini, I
8 understand you have a couple exhibits that are not
9 contained within the plan, so let's just mark them
10 for the record.

11 THE WITNESS: I have a computer
12 generated rendering.

13 MR. MATULE: So we are going to mark
14 the rendering A-1.

15 (Exhibit A-1 marked)

16 THE WITNESS: And that is the first
17 one.

18 Second is an additional photo board
19 with three satellite images, as well as four
20 modelings, site models that we prepared.

21 MR. MATULE: All right.

22 We are going to mark that as A-2.

23 (Exhibit A-2 marked.)

24 And with respect to the satellite
25 images, you got them off Google?

1 THE WITNESS: Google Earth.

2 MR. MATULE: Google Earth.

3 Okay. So would you describe the
4 existing site and the surrounding area for the Board
5 members?

6 THE WITNESS: Yes.

7 As Mr. Matule has already said, we are
8 proposing a new five-story building with 25
9 residential units and two commercial spaces.

10 The existing site is 21,773 square
11 feet, which is compromised -- comprised of nine
12 lots. Eight of those lots are 25 feet in width by
13 100 feet in depth.

14 The ninth lot, which is the one
15 furthest to the north, is 25-by-70, so as Bob said,
16 a couple of our variances are partially generated
17 because of that.

18 The site is also on the east side of
19 Grand Street between First and Second Streets, and I
20 will refer to Sheet -- you got this -- I am calling
21 this Z-1, because this is the same photo board --

22 MR. MATULE: It's Z-11.

23 THE WITNESS: -- Z-11. Sorry.

24 So this is the site as it exists. The
25 existing use or the previous existing use was most

1 recently some kind of golf -- golfing -- it was a
2 store, but also it had inside -- I am not a golfer
3 obviously --

4 MR. MATULE: Indoor driving range

5 (Laughter)

6 THE WITNESS: -- indoor driving range.

7 There was something there with golf,
8 but it was an indoor driving range to a computer
9 screen --

10 COMMISSIONER DOYLE: Volkswagen Golf
11 Repair Shop.

12 THE WITNESS: There you go.

13 (Laughter)

14 That was its previous use.

15 We are proposing to raze the existing
16 building and construct our 25 unit building that I
17 mentioned.

18 But looking at the aerial view of the
19 east, you can see the extent of the construction.

20 So it starts -- our property is 25 feet
21 off of the Second Street intersection on the east
22 side of the street, so the building starts there.
23 It is two stories and goes three stories all the way
24 down with an empty lot that is last, 25 feet to the
25 south.

1 The building on the rear, and I will
2 use Sheet A-2, which you don't have, to the rear it
3 extends just about to the property line.

4 So the building as it exists covers
5 almost 90 percent of the lot. It goes back to the
6 rear lot line. There is no construction on a 25
7 foot swath to the furthest north.

8 We are proposing to raze all of that,
9 which is different than the previous application.
10 They wanted to reuse some of it.

11 We're proposing to knock it all down
12 and start fresh and construct a new five-story
13 building. So that five-story building, and I'll get
14 the rendering now -- it will take the entire width
15 of our 225 feet at five stories, and we will need a
16 one foot height variance, but what we are here for
17 mainly are the lot coverage -- is the lot coverage
18 variance.

19 So that is generated because if we look
20 at our Sheet Z-1, and this drawing based on the tax
21 map, this is Grand Street. This is Second Street,
22 and this is our property.

23 So this last lot that I mentioned, we
24 will call it the ninth, furthest to the north --

25 VICE CHAIR MAGALETTA: Why don't you

1 just call it Lot 16? Call it Lot 16, please.

2 Thank you.

3 THE WITNESS: -- furthest to the north
4 is 70 feet in depth, where as the others are all 100
5 feet in depth.

6 So what we proposed is the standard
7 building of 60 feet in depth and carrying that all
8 the way across like that, so that our building is 60
9 feet in depth by 225 in width, which is the total
10 width of the lot.

11 Now, the other drawings will help
12 explain exactly what is going on here. But at the
13 ground floor, we have continued the parking --
14 pardon me -- the commercial space, so we have
15 covered this entire lot number 16, and the reason
16 for that will make more sense when I show you the
17 existing conditions.

18 As you go above, there is a ten foot
19 recessed deck, so I will go through the plans, and
20 things likes that will make much more sense, so that
21 is Sheet Z-1.

22 Actually it is probably a good time to
23 discuss more about that existing condition. So
24 looking at the building from the back, and you don't
25 have this, this is A-2, and I can pass it around, if

1 anybody needs it. Looking from the north to the
2 south, and this is the eastern portion of our
3 building, so there is our building in the white, the
4 lighter gray. The dark gray is the existing
5 structures.

6 This swath in red, in red here and in
7 red here is what generates our lot coverage
8 variance.

9 On the existing adjacent properties,
10 which is best shown here, so we'll call this Lot 17,
11 which is what it is called, it is a one-story
12 structure. This is Grand Street. This is Second
13 Street.

14 There is an outdoor space above a
15 one-story section, which is used by this second
16 floor apartment. What we are proposing is where
17 this red is a small outdoor space that is in line
18 with that one and covered below.

19 If we didn't cover it below, meaning if
20 we extend our commercial space into it, it would in
21 essence be a 25 foot wide by ten foot hole in this
22 space. Even as it exists, there is a structure
23 here, here and here. I will go through the floor
24 plans later a bit more.

25 MR. MATULE: Z-2?

1 THE WITNESS: Yes, Z-2 here.

2 As Bob said, Sheet Z-2, so looking at
3 the property survey, I will look -- it is more
4 readable as to the limits of the building as it
5 exists and the lot, so this is the lot as it exists.

6 The building on the corner is four
7 stories, a residential building.

8 There is a one-story section that's
9 attached to that four-story structure. They have a
10 roof deck here. As it exists there is a 25-by-20
11 open space as part of our construction, the previous
12 existing structure.

13 It is a small yard that is in essence a
14 light well with no use in terms of its providing
15 windows. There is no windows here. There's no
16 windows here, and our building is coming down.

17 So what we are proposing is to refer to
18 this -- refer back to this, here is the four-story
19 adjacent structure. Here is the one-story off of
20 that. It has an outdoor space.

21 We are proposing our building to extend
22 at its full 60 feet, which is permitted, on these
23 first eight lots to meet this existing four-story
24 building, which leaves us a ten foot section between
25 the building on Fourth Street and our building.

1 Because we are only one property away from the
2 corner and from Second Street, what we are looking
3 at here is the back of the building on Fourth
4 Street, and this is the side of the building that's
5 on the corner.

6 The remaining garden, rear yard we will
7 call it, is 40 feet in depth to be divided into six
8 different spaces. One is common, and the other five
9 are meant for second floor apartments.

10 I will continue. Z-3 is our ground
11 floor plan. Again, I will outline the limits of the
12 building. It will help it make more sense.

13 CHAIRMAN HOLTZMAN: Mr. Minervini --

14 THE WITNESS: Yes.

15 CHAIRMAN HOLTZMAN: -- did we ever get
16 a chance to produce our shadow outline?

17 THE WITNESS: Yes, we did.

18 CHAIRMAN HOLTZMAN: That is kind of
19 like what you are trying to do it seems like.

20 THE WITNESS: Back to Sheet Z-2, the
21 drawing on the top right corner.

22 So this reflects what we'll call it,
23 worst case condition, the maximum footprint of the
24 building on all floors, so that is what this drawing
25 reflects.

1 MR. ROBERTS: Frank, before we leave
2 that, just point out for the Board, because I don't
3 know if they have Z-2 in front of them, where the
4 solid line is where it comes out to the street line
5 is the property line, right?

6 THE WITNESS: Yes.

7 MR. ROBERTS: And you have a couple of
8 spaces where you have bay windows that project out
9 over the property that's shown in the lighter weight
10 line, right?

11 THE WITNESS: Yes.

12 MR. ROBERTS: I just thought it might
13 be -- and you also have a couple places where it is
14 inset --

15 THE WITNESS: Right, and I will explain
16 that.

17 Having heard the Board and how City
18 Council feels about bay projections, we thought we'd
19 propose something slightly different here.

20 So we have proposed the bay
21 projections, but next to each bay projection is also
22 a recess into the building, so the overall square
23 footage of what can be constructed is the same.
24 There's no additional square footage provided to the
25 property owner, but what it does is it allows us

1 more articulation we think without any negative.

2 To Mr. Roberts' other comment, when you
3 look at the lot coverage calculations, we actually
4 didn't include these recesses, so we are a bit
5 conservative on the lot coverage, but we think it
6 makes more sense given this diagram. So the diagram
7 you asked for is here, and I think this tells the
8 story in terms of overall lot coverage.

9 Now, the building above, which is
10 floors two through five, is this.

11 (Andy Hipolit present)

12 THE WITNESS: So I will continue with
13 Sheet Z-3 and our ground floor plan.

14 I have already drawn the limits of the
15 building in blue. Grand Street, our vehicular entry
16 is just about the center of the building.

17 One of the comments we got it as 16
18 feet, we will certainly revise it to 12 feet. That
19 is more of the common standard now.

20 So we got our vehicular entry in the
21 center of the building. The residential entry is
22 just to the left of that, just to the north of that.

23 So on this ground floor we've got a
24 trash recycling room, the vehicular entry area that
25 I just mentioned, the residential lobby, a

1 transformer room. A building of this size will need
2 its own separate transformer within the building.
3 And on the two edges of the building, both to the
4 north and to the south, commercial spaces, as Bob
5 has mentioned. So the one on the southern portion
6 of the building is 1300 -- pardon me -- I got it
7 written on the other sheet -- it is 1500 -- no,
8 pardon me -- 1560 and 1640 square feet, so we've got
9 1560 and 1640 for these two commercial spaces.

10 So we got parking flanked by two
11 commercial spaces. At the front of the building we
12 got the required trash room, residential lobby,
13 means of egress stairs, as well as transformer
14 space, 28 parking spaces, which is the requirement,
15 given the calculation of our commercial space size
16 and residential use.

17 Our 40-foot rear yard from this -- on
18 this 200 foot swath, we have got five -- pardon
19 me -- six outdoor spaces. One, two, three, four,
20 and five are to be accessed and used only by the
21 apartments on the second floor, where the stairs
22 attach to this, so we have the stairs shown.

23 In the center the largest by far, which
24 is 2000 square feet, is going to be a common rear
25 yard area, and we are calling it the playground, so

1 even apartments that don't have their own common
2 outdoor space will have common outdoor space, the
3 standard size 2000 square feet.

4 Z-4 is also the ground floor plan
5 showing more of the technical information, flood
6 indications and utility connections.

7 Z-5 is the details attached to that
8 flood mitigation sheet.

9 Z-6 are more details.

10 Z 7 is our first floor plan and second
11 floor plan, so I have gone through the first floor
12 plan.

13 Quickly then, commercial space,
14 commercial space, outdoor space, parking, the
15 transformer room, and the lobby, as well as the
16 vehicular entry.

17 Now to the second floor, our second
18 floor plan, in my opinion, as I mentioned without
19 the bay projections, this drawing shows it very
20 well. So we have got a bay projection here, a bay
21 projection here, here, and here. They meet all of
22 the ordinance requirements for bay projections in
23 terms of their depth and width.

24 CHAIRMAN HOLTZMAN: Mr. Minervini, what
25 is the projection over the property line?

1 THE WITNESS: It's two feet, but we got
2 the one foot ten, but with materials, it will be two
3 feet. That is the maximum permitted.

4 But as I mentioned, again, this is
5 based on some of the comments that we heard from
6 this Board as well as the city Council, we have
7 recessed areas within the facade that in effect
8 counteract that additional square footage that we
9 would have --

10 COMMISSIONER DOYLE: And you are
11 recessing more than you are excessing?

12 THE WITNESS: It's just about the same.
13 It's just about the same. It looks like that, but
14 it is just about the same.

15 So we thought this was a very good
16 compromise still allowing architectural articulation
17 to that facade without the appearance of getting
18 more square footage.

19 CHAIRMAN HOLTZMAN: And where is the
20 property line in relation to, let's say, the inside
21 part of the setback, if that makes sense?

22 THE WITNESS: The furthest part in --

23 CHAIRMAN HOLTZMAN: Yeah, like where
24 your blue line is --

25 THE WITNESS: It is four feet four

1 inches, so Sheet Z-7 has it mentioned.

2 So that section is four feet four
3 inches from the property line. That is the
4 furthest. The others are shown as one foot ten
5 inches, which is the same as the bay projections,
6 so, for example, this bay is 15 feet wide by one
7 foot ten, and this recess is the exact same.

8 CHAIRMAN HOLTZMAN: So is it fair to
9 just kind of give it in rough numbers here, that the
10 bay is kind of half into the right-of-way and half
11 set back into your property?

12 Is that a fair statement?

13 THE WITNESS: That is certainly a way
14 to look at it. Where the recess is, you can say it
15 is set back into our property.

16 CHAIRMAN HOLTZMAN: So it kind of makes
17 it a larger bay, but that bay is not all in the
18 right-of-way, only approximately half of it is?

19 THE WITNESS: That's correct. That is
20 exactly correct.

21 So here the bays that I discussed are
22 residential apartments, and they are sized from 1575
23 square feet to 2,225.

24 I will give you the overall, which I
25 think makes more sense, the unit breakdown. Of the

1 25 units, 14 will be three-bedroom sized, ranging
2 from 1,515 square feet to 1,700 square feet.

3 The remaining 11 will be four-bedrooms,
4 ranging from 2,150 to 2,365 square feet.

5 I already mentioned that the two
6 commercial spaces are both 1,560 and 1640 square
7 feet.

8 So very simply, we have got a double
9 loaded corridor --

10 CHAIRMAN HOLTZMAN: Hang on one second.

11 Frank?

12 Jim, did you have a question there?

13 You look --

14 COMMISSIONER DOYLE: No, I will wait.

15 CHAIRMAN HOLTZMAN: Okay. Thank you.

16 COMMISSIONER DOYLE: Thank you.

17 THE WITNESS: I will put this up a bit,
18 and I can again just show that the back area that
19 generates the lot coverage variance.

20 So although the building is at 60 feet
21 in depth, which is permitted on the majority of the
22 lot, the first eight lots, the last 25 foot section,
23 because the property is only 70 feet deep, and we
24 have got a rear yard variance as well as in essence
25 this lot, we would be asking for more lot coverage.

1 That's --

2 CHAIRMAN HOLTZMAN: So while we are on
3 that, so is that -- that is 250 square feet, right?

4 THE WITNESS: Yes.

5 CHAIRMAN HOLTZMAN: It's 25-by-10. So
6 that 250 square feet is the 3.3 percent? Is it all
7 of it?

8 THE WITNESS: Yes. It is all of it.

9 CHAIRMAN HOLTZMAN: It's all of it,
10 right?

11 THE WITNESS: It's all of it. There is
12 nothing else that generates a variance.

13 COMMISSIONER DOYLE: Since it is a 70
14 foot lot, if you were to meet the 70 percent lot
15 coverage on that lot, it would be 42 foot deep, so
16 it is 30 by -- well, it is 42 to 70, which is
17 whatever that number is.

18 Do you know what I am saying?

19 THE WITNESS: I do. I do.

20 CHAIRMAN HOLTZMAN: You are saying if
21 it was 60 percent of the 70 foot lot, is that what
22 you --

23 COMMISSIONER DOYLE: If they were not
24 here seeking any lot coverage variance --

25 CHAIRMAN HOLTZMAN: Right.

1 COMMISSIONER DOYLE: -- the ninth lot
2 would be only 42 foot deep, which is --

3 CHAIRMAN HOLTZMAN: 60 percent --

4 COMMISSIONER DOYLE: -- of 70 --

5 CHAIRMAN HOLTZMAN: Okay.

6 COMMISSIONER DOYLE: -- and that does
7 add up to the 3.3. That is the extent of your --

8 THE WITNESS: That is the extent of it,
9 and the reasoning behind this design is purely
10 because of existing conditions.

11 So if we look at this building, which
12 is on the corner, it has a one-story wall right
13 here. The building that is off of Second Street
14 running north-south has a three-story wall right
15 there.

16 So the thought is we can either -- even
17 if we were to have this bigger, it is still kind of
18 a small landlocked yard with four large walls around
19 it.

20 Our thought was instead of that, let's
21 have a building more regular shape, certainly of
22 better construction, as well as on the first floor
23 extend the size of the commercial space.

24 CHAIRMAN HOLTZMAN: The retail space,
25 right.

1 THE WITNESS: Yes.

2 So we have an outdoor space that we're
3 proposing that is accessed from Unit 2A. It is in
4 line, and we have it screened with an outdoor space
5 that's already here on the existing structure.

6 CHAIRMAN HOLTZMAN: Okay.

7 COMMISSIONER DOYLE: You are saying
8 where you have the cross on that -- thank you --
9 that is a one-story structure, which has a roof deck
10 on it, and if that -- theoretically if that wall
11 were back, if the depth of Lot 16 were shorter, you
12 would not have a four-story, you know, the four
13 stories above grade wall sticking out halfway into
14 that --

15 THE WITNESS: Yes.

16 My comment was that even if this were
17 cut back, this yard would have the tall wall all the
18 way around and be kind of locked into the small
19 northeast corner of our landlocked property. That
20 is how we came to the conclusion that -- and the
21 design that we proposed in that --

22 CHAIRMAN HOLTZMAN: Yeah. Without
23 trying to help you too much, but at the bottom -- at
24 the end the day, if you want to flip back on that,
25 even leaving that completely open serves no purpose

1 in terms of opening up the donut hole. It would be
2 like a little notch in the edge of the donut hole,
3 which would look like to me more of an attractive
4 nuisance than a practical yard.

5 THE WITNESS: Yes. It would have a 30
6 foot wall here, a 50 foot wall here, and a 12 foot
7 wall here enclosing it, and that is again how the
8 design was generated. We looked at those conditions
9 and even if we were to cut this back, it didn't seem
10 to make much sense, which brought us to the lot
11 coverage variance.

12 COMMISSIONER DOYLE: Frank, is there a
13 reason why there are no doors into Units B, C, and
14 D?

15 (Laughter)

16 THE WITNESS: You have to go outside
17 and around.

18 COMMISSIONER DOYLE: Yeah. There's a
19 chute from the roof down?

20 (Laughter)

21 THE WITNESS: We wanted some
22 flexibility for the location, but that doesn't make
23 any sense.

24 (Laughter)

25 Actually it is just a drafting error.

1 Whenever something is wrong, it is a drafting error.

2 MR. GALVIN: By the way, at the end of
3 the hearing, don't slow down, don't do anything
4 differently, but at the end, all of these sheets
5 that are blue marked need to be collectively marked
6 as exhibits, but let's keep it moving.

7 THE WITNESS: Yes.

8 So on the bottom portion of Z-8 is our
9 third and fourth floor plans --

10 MR. GALVIN: Do they vary a lot from
11 the other floors?

12 THE WITNESS: No, they don't.

13 MR. GALVIN: Let's move on.

14 THE WITNESS: The fifth floor is
15 different because the units are larger. There is
16 one less unit on the floor.

17 To the roof, five outdoor spaces that
18 are attached to each of the five units on the fifth
19 floor that meet the requirement based on the newer
20 calculation method for the size of the upper space.

21 We are proposing a generator here with
22 the approved enclosure, and we also have listed what
23 that generator is to be controlling on one of the
24 sheets, I will get through it.

25 MR. MATULE: Frank, and the green roof

1 exceeds 50 percent?

2 THE WITNESS: Yes. No variances
3 required.

4 MR. GALVIN: The generator will be
5 tested noon to three weekdays?

6 THE WITNESS: Well, it doesn't need to
7 get tested every day. I think it's monthly.

8 MR. GALVIN: No, no. When it is gets
9 tested, it will be tested --

10 THE WITNESS: Yes, that's fine. No
11 issues with that.

12 MR. MATULE: To that point, it is a gas
13 generator --

14 THE WITNESS: It's a gas generator, not
15 a diesel generator.

16 MR. GALVIN: Okay. Right. But even
17 still, those still have to get tested.

18 THE WITNESS: Yes.

19 MR. MATULE: Yes.

20 THE WITNESS: Z-10 shows both of our
21 rear and front elevations.

22 This was a very long building to design
23 for and using that we will call it an articulation
24 method, and I think in some ways a trick, we were
25 able to have what was a 25 foot long -- I'm sorry --

1 225 foot long facade have quite a bit of undulation,
2 so we think it works. The bays are one color and
3 the main part is another. It still reads as one
4 building, but it doesn't read as one monolithic
5 construction.

6 On the back of the building, we used a
7 similar method, but just broke it up vertically with
8 different materials, but they are both a Hardie
9 board material.

10 This one is oriented horizontally, and
11 one is oriented vertically, and the colors will be
12 different.

13 COMMISSIONER JACOBSON: Mr. Minervini,
14 you have not spoken to it specifically, but I just
15 want to double check. Where you have the
16 recessed -- the recesses in the front facade of the
17 building for articulation --

18 THE WITNESS: Yes.

19 COMMISSIONER JACOBSON: -- am I correct
20 that that doesn't create any kind of like an outdoor
21 terrace --

22 THE WITNESS: Correct.

23 COMMISSIONER JACOBSON: -- where
24 sliding glass doors will open up, and there will be
25 a --

1 THE WITNESS: That's correct. There
2 are no outdoor terraces proposed.

3 What you look at graphically we're
4 showing is floor-to-ceiling glass with an outline of
5 a person, so that I guess you could construe as
6 being outdoor space, but there is no outdoor space,
7 and our floor plans are pretty specific showing just
8 the extent of the bays.

9 COMMISSIONER JACOBSON: Yes. I didn't
10 think so, but I wanted to double check.

11 THE WITNESS: No. Thank you. I should
12 mention that just in case.

13 I will pass this around, if anybody is
14 interested.

15 To the site plan back, we are going to
16 revise, of course, the vehicular ingress and egress
17 from 16 feet as shown to 12 feet, which is the
18 standard this Board has been approving.

19 We are also proposing six street trees,
20 a new sidewalk. The building will be noncombustible
21 and meet all of the ADA requirements and fully
22 sprinklered.

23 If this building were on a lot that is
24 one small 25 foot section and the end wasn't, was
25 shorter, 70 foot odd condition, we wouldn't be

1 asking for a lot coverage variance --

2 MR. MATULE: Frank, just while you are
3 on the site plan, are you going to have charging
4 stations on all parking spaces?

5 THE WITNESS: Yes.

6 Charging stations are shown. You can
7 see the symbol with a lightning bolt.

8 As well as at the nose of each car,
9 there is a bicycle rack and a common bicycle rack
10 right behind the lobby space -- pardon me -- the
11 transformer space.

12 MR. MATULE: And you have received the
13 Maser reports of April 6th and June 27th?

14 THE WITNESS: I have. I think we have
15 addressed the majority of their concerns.

16 There was a question about whether the
17 size of the water retention system meets the NJ
18 standard. It does, and we provided Maser with a
19 letter from our civil engineer, and we are proposing
20 the overall size of the system to be twice that of
21 the NHSA requirements.

22 CHAIRMAN HOLTZMAN: Dave, did you have
23 any additional questions?

24 MR. ROBERTS: Not for Frank, I don't
25 think.

1 He explained the insets versus bay
2 extensions, and you know, we checked the -- 56
3 percent, and how he calculated that was the way we
4 have been advising, so there really is no -- the
5 coverage variance really is, as I am sure the
6 planner's testimony will get into, was as a result
7 of Lot 16.

8 CHAIRMAN HOLTZMAN: Sure.

9 MR. ROBERTS: The only thing I would
10 mention, Mr. Chairman, is just because some of the
11 Board members that were not on the SSP may not
12 have -- we described them in our letter, but the
13 application was revised fairly significantly as a
14 result of comments from the SSP, and there was a
15 reduction in the number of residential units.

16 Was it from 32 to 25 --

17 MR. MATULE: From 32 to 25.

18 MR. ROBERTS: -- and part of that was
19 in order to I think have the extra commercial space
20 because that gets factored into the calculation.

21 I don't know if you wanted to get into
22 that or not, but that was the reduction and also
23 parking was reduced from I think 35 to 28 spaces,
24 something like that, right?

25 THE WITNESS: 28 is the requirement

1 based on the size of our commercial space as well as
2 the residential requirement.

3 CHAIRMAN HOLTZMAN: And the commercial
4 space being increased in size to satisfy some of the
5 demands we heard from local business owners --

6 MR. ROBERTS: Right.

7 CHAIRMAN HOLTZMAN: -- of what may have
8 been originally proposed, which was 800 square foot
9 spaces, which are --

10 MR. ROBERTS: Went from one 800 square
11 foot space to two spaces of over 1500 square feet --

12 CHAIRMAN HOLTZMAN: So that is a pretty
13 significant change.

14 MR. ROBERTS: -- so that's a pretty
15 significant change.

16 The only other thing I was going to
17 ask, I think we mentioned in our letter, I'm not
18 sure if it would be you, Frank, or another expert,
19 would be how the parking would work between the
20 commercial and the residential space. That might be
21 a different witness.

22 MR. MATULE: Well, I think Frank has it
23 called out on the site plan there.

24 The spaces that are in the front of the
25 building, facing the front of the building are on

1 the right side for the commercial.

2 (Commissioner Stratton present)

3 THE WITNESS: Yeah. We have these
4 eight, which is 21 through 28 called out as the
5 retail.

6 MR. ROBERTS: We had this question come
7 up with other applications.

8 How are the rest of the parking spaces
9 handled in terms of the residential use?

10 Are they assigned or is it first come
11 first serve?

12 How has that been decided?

13 MR. MATULE: Twofold.

14 I mean, the intention here is that this
15 be a condominium, assuming market conditions
16 continue the way they are, it will be.

17 And the parking spaces will be offered
18 to the unit owners with the exception of, I believe,
19 the five spaces on the east side that are in front
20 of the doors that access the outdoor space. They
21 are specifically called out to go with that unit
22 owner's unit because the entrance door to that
23 private space is at the front of their parking
24 space.

25 MR. ROBERTS: Got it.

1 MR. MATULE: So I don't --

2 CHAIRMAN HOLTZMAN: Hang on one second.

3 I just wanted to let the record show
4 that Commissioner Caleb Stratton has joined us.

5 Caleb, you are certainly free to
6 participate, so don't let that hold you back.
7 Voting, though, needs to be held for you --

8 COMMISSIONER STRATTON: Okay.

9 CHAIRMAN HOLTZMAN: -- since you didn't
10 hear the first part of the testimony.

11 Thank you.

12 Sorry about that.

13 Go ahead.

14 MR. ROBERTS: That was my only other
15 question to be asked for clarification on my
16 particular end.

17 CHAIRMAN HOLTZMAN: Great.

18 Mr. Hipolit, did you have anything
19 outstanding, environmental issues or anything to be
20 concerned about?

21 MR. HIPOLIT: No.

22 I don't think, I might have missed it,
23 but I don't know if he gave any testimony on the
24 traffic generated by the commercial versus
25 residential.

1 MR. MATULE: We are going to have a
2 traffic expert.

3 MR. HIPOLIT: I will wait then.

4 CHAIRMAN HOLTZMAN: I did have one
5 question that was in the Flood Plain Manager's
6 letter.

7 There was a question about the lowering
8 of the sidewalk. I don't know if there was a survey
9 problem or something like that?

10 THE WITNESS: There was a six inch
11 discrepancy, which I think we have addressed on the
12 most recent plans. If not, we certainly will
13 address that. There is no intention to lower the
14 property.

15 MR. MATULE: My understanding is
16 originally when we submitted the application, our
17 height was at 40 feet six inches, and based upon the
18 conversations with the Flood Plain Administrator, we
19 are now at 41 feet because she wanted an additional
20 six inches, the garage floor raised up, to my
21 understanding.

22 THE WITNESS: Yeah.

23 And to your point, it will be exactly
24 as suggested by the Flood Plain Administrator, and I
25 think these drawings actually reflect that, but I

1 remember exactly.

2 CHAIRMAN HOLTZMAN: Okay.

3 Questions, Commissioners, for the
4 architect?

5 Tom?

6 COMMISSIONER JACOBSON: Yeah.

7 In the letter from Mr. Roberts, dated
8 June 27th, it references a six foot concrete wall,
9 which surrounds the entire rear yard area.

10 Is that an existing condition?

11 Is that something new to be
12 constructed, and how --

13 THE WITNESS: It is an existing
14 condition. We are proposing a wood landscaped
15 fence. The existing condition is that there is a
16 wall that is there as part of the structure now, and
17 that is all being removed.

18 By the way, six feet is what is
19 permitted in terms of fence height, whether it were
20 masonry or concrete or a wood fencing.

21 COMMISSIONER JACOBSON: So the as-built
22 condition will not be concrete. It will be more
23 open lattice wood?

24 THE WITNESS: Yes, yes, and our
25 drawings reflect that, as well as there were

1 planters shown at the rear edges to kind of soften
2 that connection between the rear yard and that
3 fence.

4 CHAIRMAN HOLTZMAN: All right.

5 Frank?

6 VICE CHAIR MAGALETTA: Yes.

7 Because there has to be retail there,
8 and it is a busy area and the Multi-Service is
9 across the street, in the driveway, I think we
10 discussed it once before on another application.

11 Is there any way you can improve the
12 sight line of people driving out of the property?

13 For example, a pretty glass where the
14 refuse is, and the parking space -- retail where by
15 the 28.7 location, could you make that glass, so
16 people can look out through the building?

17 THE WITNESS: We can.

18 I don't think that really would affect
19 your sight line necessarily, but what we have done
20 instead is have a low planter, which acts as a
21 buffer. So when you can't walk at that closest
22 distance, so I think the same effect is achieved by
23 the planter as shown.

24 We have even recessed, if you look, and
25 I will point it out, this is the actual property

1 line. So the car entry -- the vehicular entry is
2 recessed almost two foot from even that line, so
3 there is a two foot swath, which allowed us to make
4 this buffer, planter buffer, even deeper, and I
5 think that is about as good as we probably could get
6 in an urban environment.

7 VICE CHAIR MAGALETTA: Good.

8 THE WITNESS: We did also show, and it
9 is on the detail as well, the in slab lighting --

10 CHAIRMAN HOLTZMAN: So by the planter
11 extension, somebody inching out of the garage can
12 actually get the front of their car out before they
13 could really conflict even potentially with anybody
14 on the sidewalk?

15 THE WITNESS: That is exactly the
16 purpose of this recess.

17 VICE CHAIR MAGALETTA: I get that.

18 So the building in front of these
19 retail spaces, parking space 28, that wall is brick
20 or what is it?

21 THE WITNESS: It is glass.

22 VICE CHAIR MAGALETTA: Oh, so it is
23 glass.

24 THE WITNESS: Yeah. On the rendering
25 it's glass, and I think our front facade shows it as

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1      having windows --
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2 VICE CHAIR MAGALETTA: In the --

3 THE WITNESS: -- yeah. In the plans as
4 we show -- here we go --

5 VICE CHAIR MAGALETTA: Yeah.

6 THE WITNESS: -- so there is windows
7 and windows on either side. However, there is a
8 wall separating that, but here there is no wall.

9 VICE CHAIR MAGALETTA: Is there any way
10 to put -- you said it will improve it, and I think
11 it would -- is there any way you could make that
12 wall between the trash recycling and the driveway
13 aisle out, make that glass? There is a door
14 there --

15 THE WITNESS: That wall has to be fire
16 rated material, a fire rated door, as well as a wall
17 that this enclosure separating this --

18 VICE CHAIR MAGALETTA: So you can't. I
19 appreciate it.

20 All right. And then one other thing,
21 there's 28 units here of three and four-bedrooms.
22 You have 28 parking spaces for the residences and
23 eight for the commercial -- for the retail --

24 COMMISSIONER DOYLE: There's 25.

25 THE WITNESS: There's 25 residential --

1 VICE CHAIR MAGALETTA: I'm sorry. 25
2 residential.

3 You have 20 parking spaces. Is there
4 any plan for the other five people, those other five
5 units?

6 MR. MATULE: Is there any plan to what?

7 VICE CHAIR MAGALETTA: As far as
8 accommodating parking, or on the street, however are
9 you going to deal with that, if you can. I'm not
10 saying you have to.

11 MR. MATULE: I don't know. I mean, the
12 ordinance has to deduct for the first five units, so
13 we are in the original iteration of the plan, we had
14 one-to-one parking for all the residential units and
15 the commercial space, but because we have increased
16 the size of the commercial space so much, even
17 though we got rid of seven residential units in the
18 process, we are still right at the minimum
19 requirement for parking, so we meet it, but you
20 know, there may be people who don't have cars.

21 THE WITNESS: That is something that we
22 can look at.

23 MR. ROBERTS: Just for like overnight
24 parking --

25 THE WITNESS: Yeah. The commercial

1 spaces, they wouldn't be used overnight, so perhaps
2 it could be a dual use of those.

3 VICE CHAIR MAGALETTA: They will have
4 to deal with it amongst themselves. I don't think
5 you could really put that here.

6 COMMISSIONER DOYLE: You could make it
7 an option.

8 CHAIRMAN HOLTZMAN: Okay. Mr. Doyle?

9 COMMISSIONER DOYLE: Yes.

10 You may have -- the yard, the
11 imperviousness of the yard, did you mention whether,
12 you know, we got 30 percent is the maximum amount --

13 THE WITNESS: It is all impervious, so
14 where we have got stone, that is also impervious,
15 and the detail shows it, and the rest is grass.

16 COMMISSIONER DOYLE: Grass.

17 Okay. And then I think you did say it,
18 for the roof, the green roof, by the math it looks
19 like you have done very -- you know, you have five
20 730 square foot decks, which is like 3600 square
21 feet out of the whole -- less than 30 percent -- I'm
22 just telling you the math --

23 THE WITNESS: We could have more, yeah.

24 COMMISSIONER DOYLE: That's fine.

25 Great.

1 But the rest of it is green roof?

2 THE WITNESS: Yes. All of this graphic
3 reflects a green roof.

4 CHAIRMAN HOLTZMAN: Commissioners, any
5 other questions for Mr. Minervini this time?

6 Are there any members of the public
7 that have questions for the architect?

8 Okay. None.

9 Close public portion.

10 THE WITNESS: Thank you.

11 CHAIRMAN HOLTZMAN: Mr. Matule?

12 MR. GALVIN: Oh, one small question.

13 The generator on the roof is going to
14 have some kind of sound attenuation?

15 THE WITNESS: Yes. In the detail,
16 there's a spec 2 attenuation, and it is on our
17 drawings.

18 MR. GALVIN: Thank you.

19 (Witness excused)

20 MR. MATULE: At this time, I would like
21 to call Mr. Staigar, our traffic engineer.

22 MR. GALVIN: Please raise your right
23 hand.

24 Do you swear or affirm the testimony
25 you are about to give in this matter is the truth,

1 the whole truth, and nothing but the truth?

2 MR. STAIGAR: Yes, I do.

3 J O S E P H S T A I G A R, having been duly sworn,
4 testified as follows:

5 MR. GALVIN: Please state your full
6 name for the record and spell your last name.

7 THE WITNESS: Yes.

8 My name is Joseph Staigar,
9 S-t-a-i-g-a-r.

10 MR. GALVIN: Mr. Chairman, do you
11 accept Mr. Staigar's credentials as a traffic
12 expert?

13 CHAIRMAN HOLTZMAN: I don't know. Did
14 we hear him before?

15 MR. GALVIN: I've heard him on multiple
16 occasions. He's a well-respected man.

17 MR. HIPOLIT: Yes.

18 CHAIRMAN HOLTZMAN: So I am supposed to
19 trust you and Mr. Hipolit?

20 MR. GALVIN: Yes.

21 (Laughter)

22 CHAIRMAN HOLTZMAN: Yes. Let's move
23 forward with Mr. Staigar.

24 Thank you.

25 THE WITNESS: Thank you.

1 MR. MATULE: Thank you, Mr. Chairman.

2 Mr. Staigar, you are familiar with the
3 proposed project?

4 THE WITNESS: Yes.

5 MR. MATULE: And you prepared a traffic
6 impact study, dated February 25th, 2016?

7 THE WITNESS: Yes.

8 MR. MATULE: That was when the original
9 project was 32 dwelling units and one retail space?

10 THE WITNESS: Yes.

11 MR. MATULE: And you are aware that it
12 has now been reconfigured to 25 dwelling units and
13 two larger commercial spaces and 28 parking spaces?

14 THE WITNESS: Correct.

15 MR. MATULE: So bearing in mind those
16 changes, can you go through your report and give us
17 your professional opinion regarding the traffic
18 impact of the proposed project and its impact on the
19 level of service in the area?

20 THE WITNESS: Yes.

21 And I was the traffic engineer on the
22 previous application two years ago, and we had taken
23 traffic counts at the surrounding intersections back
24 then, but we updated them in February of this past
25 year 2016, keyed in on the peak hours between 7 to 9

1 a.m. and 4 to 6 p.m. Those are the typical peak
2 hours, rush hours, when the maximum traffic activity
3 occurs on the local streets.

4 We are -- we have the access on Grand
5 Street, which is a one-way southbound street, and
6 therefore has two access points getting to Grand
7 Street from Second Street and also from out coming
8 into the site from Second Street, you would be able
9 to make the left-hand turn to go southbound into the
10 driveway, and all exit movements have to make a left
11 turn out of the driveway to get towards the south.
12 The first intersection you hit is First Street, so
13 we picked up traffic counts at those two
14 intersections.

15 Traffic volumes are moderate volumes,
16 not overly heavy. First Street obviously has the
17 higher volumes. It is a major collector roadway in
18 the city. And during the peak hours, we are in the
19 range between 200 and 300 vehicles per hour on First
20 Street.

21 Grand Street, relatively --
22 comparatively light with 160 vehicles per hour, and
23 Second Street again relatively light in the order of
24 250 vehicles per hour, relatively light volumes and
25 resulting levels of service, or Levels of Service A

1 and B at those intersections. Just as in grade
2 school, levels of service range from A to F. We are
3 in the upper range.

4 CHAIRMAN HOLTZMAN: Mr. Hipolit?

5 MR. HIPOLIT: I may be able to speed
6 him up a little bit.

7 The Board doesn't necessarily need all
8 of the traffic for the streets.

9 Really what we are concerned about is
10 the breakdown between the residential parking and
11 the retail and how that affects your driving coming
12 in and out both during the day, and then I think you
13 heard one Board member say, can we utilize those
14 extra parking spaces at night for the residents --

15 THE WITNESS: Yes.

16 MR. HIPOLIT: -- and what's that volume
17 coming out of that driveway because we are concerned
18 about the movement of the pedestrians and cars
19 coming out of there --

20 THE WITNESS: In and out of the
21 driveway.

22 MR. HIPOLIT: That's more of what we're
23 concerned about.

24 THE WITNESS: Okay. Perfect.

25 And let me pull the site plan up and

1 show you the site plan and the parking.

2 So we do have access from the single
3 driveway on Grand Street.

4 The traffic volumes that we are
5 anticipating are on the order of 11 to 15 vehicles
6 per hour during any peak hour.

7 MR. HIPOLIT: Right.

8 So how does that -- I have a car coming
9 in or out. Obviously coming in, pedestrians can see
10 a car coming in, and the car can see the
11 pedestrians. So if I have eleven cars coming in or
12 out, what happens on the way out?

13 THE WITNESS: In terms of pedestrian
14 traffic?

15 Well, we do have -- you can see -- and
16 we have landscaping islands there, so the pedestrian
17 traffic is removed away from the face of the
18 building.

19 So as you are coming outside of the
20 building, you will have a landscaping approximately
21 eight feet in depth in front of the sidewalk that
22 you would be able to pull up the car up the driveway
23 and be able to see to the left and to the right, so
24 it is not a tunnel that you are coming out of, and
25 pedestrians are right up against the building. They

1 are removed.

2 MR. HIPOLIT: And the 11 cars in and
3 out of the site, when does that peak hour happen?

4 THE WITNESS: That's primarily going to
5 happen during the morning peak hour and the evening
6 rush hours between 7 and 9 and 4 to 6.

7 We don't have specific tenants for the
8 retail, but we are located on the interior of the
9 city. We are not on Washington Street, where you
10 may have banks and CVSs and higher activity in
11 retail. We are situated on the side, and we've
12 seen --

13 MR. HIPOLIT: So you have 7 to 9 and 4
14 to 6, you have 11 cars that come in and out.

15 Do you consider that a high volume with
16 respect to pedestrian conflicts with cars?

17 THE WITNESS: Not at all. Not at all.
18 I mean, that is one every five or six minutes.

19 MR. HIPOLIT: So with the planter
20 extensions and the current safety devices that they
21 have in the sidewalk or in the pavement there, is
22 that adequate?

23 THE WITNESS: Oh, much more so, yes,
24 because as you can see Mr. Minervini has designed
25 this, so that you have clear sight visibility in

1 both directions as you leave the driveway.

2 In fact, the building is actually
3 indented in along that driveway by that magnitude,
4 so that you have clear visibility, so it is not even
5 a sense of that you have, okay, maybe ten or twenty
6 feet sharp angles, and long angles and long lines of
7 sight visibility. So I think more so than most
8 other parking garage buildings in the city, this has
9 way more adequate sight visibility.

10 CHAIRMAN HOLTZMAN: Mr. Hipolit, any
11 other additional questions for the traffic engineer?

12 MR. HIPOLIT: No.

13 CHAIRMAN HOLTZMAN: Commissioners, any
14 questions for the traffic engineer at this time?

15 Mr. Stratton?

16 COMMISSIONER STRATTON: Have you
17 identified the existing loading zones that are
18 adjacent to the site, and do you plan on changing
19 those loading zones as part of this application?

20 THE WITNESS: No.

21 I haven't studied them at all in terms
22 of where they are exactly located.

23 This type of retail is going to be
24 relatively low lying retail. It is not going to
25 need deliveries, a multiple number of deliveries a

1 week. It will be -- and in terms of the residents
2 moving in and out of the units, they will -- they
3 may need a moving van for a day, but they will know
4 when that moving van is coming, and you know, take
5 up a parking space or two.

6 CHAIRMAN HOLTZMAN: Mr. Matule?

7 MR. MATULE: Mr. Minervini advised me
8 that it is the intention of the applicant to have
9 all of the loading zones in front of the building
10 removed.

11 CHAIRMAN HOLTZMAN: The current
12 existing ones?

13 MR. MATULE: The current ones that are
14 there now to serve the current industrial use.

15 CHAIRMAN HOLTZMAN: Is that what you
16 were asking about, Mr. Stratton?

17 COMMISSIONER STRATTON: So I would
18 suggest that that is expressed to the Transportation
19 Division in writing, because it has to change
20 through ordinance for that to actually be adopted as
21 part of the site plan. It doesn't just occur
22 because of the site plan approval. It has to go
23 through the City Council.

24 MR. HIPOLIT: It can be a condition.
25 We can make it a condition.

1 COMMISSIONER STRATTON: That would be
2 great.

3 CHAIRMAN HOLTZMAN: Okay.

4 MR. MATULE: So are you suggesting that
5 we have a loading zone in front?

6 COMMISSIONER STRATTON: No. I am
7 suggesting that you just expressed that you would
8 like to remove the loading zones --

9 (Board members talking at once)

10 CHAIRMAN HOLTZMAN: One at a time,
11 guys.

12 COMMISSIONER STRATTON: You just
13 expressed that you would like to remove the loading
14 zones, so we can begin that process of drafting an
15 ordinance to --

16 THE WITNESS: I'm sorry. I
17 misunderstood your question.

18 I thought you were talking about the
19 loading zones for the proposed site.

20 CHAIRMAN HOLTZMAN: No problem.

21 COMMISSIONER STRATTON: No problem.

22 CHAIRMAN HOLTZMAN: Any other questions
23 for the traffic engineer at this time?

24 COMMISSIONER DOYLE: There is no
25 loading in and out by driving into the parking lot?

1 THE WITNESS: No --

2 COMMISSIONER DOYLE: I am not talking
3 about a U-Haul, but --

4 THE WITNESS: -- you could have a van,
5 a step van, coming into the site for sure.

6 Certainly no trucks, large type trucks --

7 CHAIRMAN HOLTZMAN: So if there's a
8 clothing store or something like that, a clothing
9 store might be able to have a van pull into the
10 garage and do their unloading that way.

11 THE WITNESS: Yeah.

12 MR. HIPOLIT: Why wouldn't it?

13 MR. MATULE: Okay.

14 CHAIRMAN HOLTZMAN: Thank you.

15 THE WITNESS: Thank you.

16 (Witness excused)

17 MR. MATULE: Okay. Then I would like
18 to call Mr. Ochab, and here he is.

19 (Laughter)

20 MR. GALVIN: And here he is.

21 Raise your right hand. You got it.

22 Do you swear or affirm the testimony
23 you are about to give in this matter is the truth,
24 the whole truth, and nothing but the truth?

25 MR. OCHAB: I do, yes.

1 K E N N E T H O C H A B, having been duly sworn,
2 testified as follows:

3 MR. GALVIN: State your full name for
4 the record and spell your last name.

5 THE WITNESS: Ken Ochab. That's
6 spelled O-c-h-a-b.

7 MR. GALVIN: Mr. Chairman, do you
8 accept Mr. Ochab's credentials?

9 CHAIRMAN HOLTZMAN: We do.

10 MR. MATULE: All right.

11 Mr. Ochab, are you familiar with the
12 master plan and the zoning ordinance of City of
13 Hoboken?

14 THE WITNESS: Yes.

15 MR. MATULE: And you are familiar with
16 the proposed project as amended?

17 THE WITNESS: Yes.

18 MR. MATULE: And you have prepared a
19 planner's report, dated February 24th, 2016, with
20 respect to the original project?

21 THE WITNESS: I did, yes.

22 MR. MATULE: And you submitted a letter
23 amendment, dated June 28th?

24 THE WITNESS: Correct.

25 MR. MATULE: Could you go through your

1 report as amended and give us your professional
2 opinion regarding the requested variances?

3 THE WITNESS: We will call this an
4 abbreviated extended testimony because Frank spent
5 so much time on some of the variances.

6 So we have, in my view, three variances
7 related to Lot 16, which is the 70 foot lot. That's
8 the development of a nonconforming lot because it is
9 only 70 foot deep in depth.

10 Lot coverage, which is affected by the
11 total coverage of Lot 16 as was discussed, and rear
12 yard setback, which, of course, is zero in this case
13 because we are filling in all of Lot 16. We are
14 doing that so that essentially we can expand the
15 amount of commercial space, which has been
16 discussed.

17 We have two larger commercial spaces
18 being proposed, 1,560 feet, and 1,640 square feet at
19 the extreme ends of the building.

20 So with respect to Lot 16 covering the
21 entire lot, and that is generating those three C
22 variances, I look at those as C-2 variances, not
23 necessarily C-1, because what we are doing is
24 affording the opportunity to expand the commercial
25 amount of square feet here, which is appropriate and

1 needed within this particular neighborhood, and I
2 will discuss that a little bit later, so I looked at
3 those three variances as C-2 variances.

4 The additional variance here with
5 respect to the building is building height. We have
6 a one foot variance for building height, having to
7 do with, again, the garage floor and the elevation
8 of the sidewalk.

9 We were at 40 and a half feet, but some
10 adjustments needed to be made, as Frank explained,
11 so we have an additional half a foot. Nevertheless,
12 that 41 feet, pretty much a de minimis variance, and
13 with respect to how we stack up in terms of height
14 with respect to the adjoining buildings to the
15 south, we are still at four stories. The buildings
16 to the south are five and six stories, so in the
17 context of the neighborhood we are right there.

18 The new variance has to do with the
19 retail uses, because we are over the amount allotted
20 in Section 196-33, we have again 1500 and 1600
21 square feet of retail space in two units, and we are
22 assuming, at least I'm assuming, that that's going
23 to exceed the thousand square foot limitation on the
24 customer service area or sales area.

25 We don't actually know because we don't

1 have tenants yet, but we make the assumption that we
2 needed that variance. And, again, that variance is
3 one in which we are trying to provide larger retail
4 space for the neighborhood in terms of personal
5 service or retail goods and services that is not
6 currently there.

7 Again, that is a C-2 issue, so it is
8 very positive with respect to this type of
9 development and the size of the building allows us
10 to do that because typically on a 25-by-100 foot
11 lot, we may not be able to accomplish that same kind
12 of scale in terms of the retail use.

13 And in addition to that, the master
14 plan certainly has discussed this issue saying that
15 the Boards should be a little bit more flexible as
16 far as the thousand square foot limitation is
17 concerned.

18 With respect to the other variance and
19 the retail, we don't have two other retail uses on
20 the same block frontage. We have a doctor's office
21 to the south at mid block. I don't know whether
22 that is retail or not, but there is not one other
23 one, so in any case, we still have a variance there
24 because we don't have two other retail uses. Each
25 corner does not have a retail use. The Second

1 Street does not. The First Street corner does not
2 in my view, so...

3 CHAIRMAN HOLTZMAN: Mr. Ochab, I want
4 to try to help you out here a little bit also.

5 I am advised by our attorney that we
6 are so glad that you are doing this exactly the
7 right way, which is if the building is demolished,
8 the current uses in the building no longer exist
9 even for that ten minutes when the building is gone
10 and the new building gets started, but there is
11 precedent for retail on the street because there
12 currently is commercial use in the existing
13 building, so I think it is an important
14 consideration in that it is not like we are
15 introducing retail into a neighborhood or a street
16 that didn't have it before. It is already an
17 existing condition. It may be not conforming, but
18 it still exists there currently today.

19 THE WITNESS: Correct. That is a very
20 good point.

21 And my final point here is again
22 referring back to the master plan, this also
23 discusses sort of revisiting this requirement, that
24 there be two other retail uses within the block
25 front, so here I think it is a positive indication

1 of what the proposal is, it's certainly going to be
2 a benefit to the neighborhood, and it meets the C-2
3 criteria as a result of that.

4 I have to say with respect to the
5 negative criteria, the variances that we are
6 requesting certainly don't rise to the level of
7 imposing a substantial burden on the surrounding
8 neighborhood or surrounding community, nor do they
9 rise to the level of imposing a substantial
10 impairment to the zone plan or zoning ordinance, so
11 I know that is a little bit of a net opinion, but I
12 hope you will let me get away with it this time.

13 CHAIRMAN HOLTZMAN: Thank you, Mr.
14 Ochab.

15 MR. GALVIN: I didn't think that was a
16 net opinion in all due respect. Thank you, though.
17 I appreciate your sense of modesty.

18 CHAIRMAN HOLTZMAN: All right.
19 Any questions, Commissioners, for Mr.
20 Ochab on his planner's report?

21 Mr. Roberts, any --

22 MR. ROBERTS: I think it is pretty
23 straightforward, Mr. Chairman.

24 Mr. Ochab's supplement on June 28th, I
25 think pretty much outlined those issues.

1 The only observation I would make is
2 because there is no real tenant yet for these retail
3 spaces, should a tenant become available, that
4 effectively would trigger the conditional use
5 requirement, for example, a restaurant. They would
6 have to come. I guess actually in that particular
7 situation, they would have to go to the Zoning Board
8 for that conditional variance.

9 But any other retail use that
10 ordinarily would be permitted would be permissible
11 there, and it was actually in response to comments
12 that the applicant got from the SSP.

13 CHAIRMAN HOLTZMAN: Great.

14 Thank you very much.

15 COMMISSIONER DOYLE: Two quick
16 questions.

17 One in the spirit of trying to help
18 you, as the Chairman was doing, of the four
19 variances, the nonconforming lot variance, I know
20 that maybe Mr. Matule felt that belts and suspenders
21 are better, but I think that our code no longer
22 has -- there is no variance required for a non
23 conforming lot --

24 MR. GALVIN: Dave and I don't agree
25 with you on that I don't think.

1 COMMISSIONER DOYLE: Okay.

2 MR. ROBERTS: Yes.

3 Just for clarification, the section we
4 looked at last year when we amended the ordinance
5 that allows for improvements on nonconforming lots
6 basically said that that is allowed as long as --

7 COMMISSIONER DOYLE: Okay. Well --

8 MR. ROBERTS: -- variances, so
9 effectively when you need a variance on a --

10 COMMISSIONER DOYLE: -- any other type
11 of variance --

12 MR. ROBERTS: -- right.

13 So, in other words, you can build on a
14 nonconforming lot as long as you conform with all of
15 the zoning standards --

16 MR. GALVIN: And you don't add any new
17 nonconformities --

18 MR. ROBERTS: Right.

19 So that's why we ask -- if they came in
20 with a clean no variance application for that
21 nonconforming lot, you wouldn't need a variance --

22 COMMISSIONER DOYLE: Well, no. But my
23 point was that I believe he testified it is a
24 nonconforming lot, number one. Density variance,
25 number two. Set back variance, number three.

1 Two and three are clearly necessary. I
2 am saying the fact that the property is not 25 by a
3 hundred by itself does not necessitate a variance
4 request, but --

5 MR. GALVIN: No, because I think in the
6 end, I think you are right, because I think we are
7 going to ask for a deed of consolidation, right?

8 CHAIRMAN HOLTZMAN: Uh-huh.

9 MR. ROBERTS: That is when -- that's
10 when -- if Lot 16 by itself --

11 CHAIRMAN HOLTZMAN: Right. So this is
12 just ultra safe.

13 COMMISSIONER DOYLE: Well, okay.

14 Then my other question, I guess it was
15 the SSP's work that I mean, I have been asking, you
16 know, recently that, you know, I don't know what --
17 obviously the density that you are allowed was 32
18 units without the commercial space, but it was the
19 inclusion of an additional commercial space, which
20 reduced the number of allowable units, which got us
21 these larger units.

22 My point being we are seeing many, many
23 applications with three and four-bedrooms, some with
24 only four-bedroom units, and the stock of two and
25 one-bedrooms are going down, and it becomes more

1 difficult for people without the need for three or
2 four bedrooms to be in Hoboken.

3 So I know that that is probably years
4 ago, we probably said, why don't you have -- you
5 know, you have too many small units, and now you
6 can't make anybody happy, but --

7 CHAIRMAN HOLTZMAN: But that is not for
8 them to solve.

9 COMMISSSIONER DOYLE: -- and I know
10 that that is not for us to dictate. But the drop in
11 the number was tied to the SSP's request for more
12 commercial, is that -- that's my question.

13 CHAIRMAN HOLTZMAN: It's a trade-off
14 between commercial versus parking, since you weren't
15 getting residential on the first floor anyway.

16 THE WITNESS: Yes.

17 The adjusted density actually with the
18 larger commercial space wound up to be 30 units, so
19 we proposed 25, so we are actually below the
20 allowable density.

21 COMMISSIONER DOYLE: Right.

22 THE WITNESS: The second question that
23 related to the one and two-bedrooms just from my
24 perspective, we just had a couple of meetings with
25 the Board of Adjustment, and we're doing one --

1 CHAIRMAN HOLTZMAN: Mr. Ochab, can you
2 speak up a bit?

3 THE WITNESS: -- when we were doing one
4 and two smaller bedroom units, that, you know, one
5 of our arguments was what you just said, that nobody
6 is doing the 900 square foot or thousand square foot
7 units, so in this case the Board was cognizant of
8 that, and I don't know whether that was the basis
9 for approval, but it was one of the issues being
10 discussed.

11 CHAIRMAN HOLTZMAN: Thank you.

12 Ms. Graham?

13 COMMISSIONER GRAHAM: I don't know,
14 maybe this goes back. I mean, I was going to say
15 the same thing that Commissioner Doyle just said,
16 and maybe we can't legislate on this, but is
17 there -- what is the market showing as far as being
18 able to sell these large three and four bedrooms?

19 I mean, we have done so many of them.
20 That is all we do any more. I am just curious if
21 there has been any study done on what is selling,
22 and what is not, and if the one, two-bedroom market
23 is being squeezed out. Does anybody know?

24 I am just curious.

25 MR. MATULE: Well, I will just say

1 this. I don't know if that is a question our
2 planner can answer --

3 COMMISSONER GRAHAM: No, I guess he
4 can't --

5 (Laughter)

6 COMMISSIONER GRAHAM: -- I'll let you
7 try it.

8 MR. MATULE: -- I'm going to draw a
9 conclusion by the fact that this is what the
10 applicants are sitting down with the architects and
11 requesting be designed would lead me to believe that
12 that is what the market is asking for.

13 CHAIRMAN HOLTZMAN: Mr. Peene, any
14 insight on that?

15 COMMISSIONER PEENE: Yes.

16 I do track the real estate sales in
17 Hoboken. I do track the market going into my day
18 job in banking and commercial real estate and
19 residential real estate, especially here, because I
20 live here, and I'm a homeowner here.

21 And there is demand. You know, in
22 fact, last week one just closed on Maxwell Place, a
23 three-bedroom, two-bathroom for \$1.6 million, and I
24 can give you a list. I could happily send you one
25 off line of all of the two, and three and sometimes

1 even four-bedroom markets in condo buildings and in
2 brownstone sales, too, because you have to take that
3 aggregate, because there is a shortage of brownstone
4 stock here, you know, and they are very competitive
5 to bid on. There is a fixed number of them, so the
6 market is demanding more of these three --

7 COMMISSIONER GRAHAM: Well, I don't
8 think it is fixed because we keep approving them.

9 This is not for now, but this is a
10 planning question that we really need to address,
11 and if we are doing a reexam, this is something that
12 absolutely has to be addressed.

13 CHAIRMAN HOLTZMAN: Absolutely.

14 Thank you, Commissioner.

15 Commissioners, any other questions for
16 Mr. Ochab?

17 Okay.

18 Any members of the public, questions
19 for the planner?

20 None.

21 Okay. Thank you.

22 THE WITNESS: Thank you.

23 (Witness excused)

24 MR. MATULE: That concludes my
25 witnesses.

1 Just a couple of closing remarks. I
2 would like to think that the Board would view this
3 as a really excellent proposal.

4 We are eliminating 90-some percent -- a
5 hundred percent impervious coverage on the site and
6 90-some percent or 85.6 percent lot coverage,
7 preexisting nonconforming structure, and preexisting
8 nonconforming use.

9 Obviously it is a substantial esthetic
10 improvement, substantial green features. We are
11 complying with the flood ordinance. We have got
12 on-site detention, and we are creating a viable
13 commercial space on the block where none exists, so
14 I think that the whole package is really an
15 excellent application.

16 CHAIRMAN HOLTZMAN: Thank you.

17 Commissioners, any additional questions
18 or comments from any of our witnesses or any
19 opinions you wish to offer at this time?

20 VICE CHAIR MAGALETTA: Yeah.

21 The test for the variances is whether
22 or not -- I mean, first and positive criteria is
23 whether there's a public benefit, and I think the
24 variances you're seeking I think are public
25 benefits, having these larger retail spaces there,

1 and I think that is a good thing.

2 That's basically it.

3 CHAIRMAN HOLTZMAN: Thank you.

4 Dennis -- we can circle back,
5 Commissioners, if there is anything else, but Dennis
6 did have a number of conditions, so let's get them
7 read at least.

8 MR. GALVIN: All right.

9 One: The applicant is to record a deed
10 restriction to ensure that the owner of the
11 building, which may be a condo association, is to
12 maintain the green roof as shown on the plan as long
13 as the building exists. The deed restriction is to
14 be reviewed and approved by the Board's Attorney
15 prior to its being recorded, and it must be recorded
16 prior to the issuance of the first certificate of
17 zoning.

18 Two: The following green components
19 will be incorporated into the building.

20 You guys had on the plan rainwater
21 detention tank, closed cell insulation. Am I in the
22 right file?

23 CHAIRMAN HOLTZMAN: Yes.

24 MR. GALVIN: Okay.

25 Extensive green roof, Energy Star rated

1 windows, tankless hot water heaters, LED lighting,
2 water reducing plumbing fixtures, Energy Star rated
3 appliances, bicycle storage, white PVC roofing
4 material, and provisions for electric charging
5 stations.

6 MR. MATULE: You are having a green
7 roof --

8 MR. MINERVINI: Yes.

9 MR. GALVIN: I don't make this stuff
10 up, guys.

11 (Board members confer)

12 MR. GALVIN: Three: The applicant
13 shall obtain city approval of any encroachment to
14 the city's right-of-way.

15 Four: The generator will only be
16 tested weekdays between the hours of noon and 3 p.m.

17 Five: The generator will have Type 2
18 sound attenuation.

19 Six: The applicant agreed to plant six
20 street trees and will follow the direction of the
21 Shade Tree Commission.

22 Seven: Subject to compliance with the
23 Board's planner and engineer review letters.

24 Eight: Should the property be
25 converted to a condominium, the parking spaces are

1 to be deeded to units within the building.

2 Now, he's not here, but is that okay?
3 Everybody okay with that?

4 MR. MATULE: Okay.

5 MR. GALVIN: All right.

6 CHAIRMAN HOLTZMAN: A shout out to
7 Rami.

8 MR. GALVIN: Nine: The applicant --
9 that is the Rami condition -- the applicant will
10 comply with the requirements of the Flood Plain
11 Administrator.

12 Ten: The applicant shall request the
13 City Council's permission to eliminate the existing
14 loading zone.

15 Eleven: The applicant is to
16 consolidate Lots 8 through 16 by recording a deed of
17 consolidation.

18 MR. MATULE: Yes. The only question I
19 have is the loading zone. I don't know if we really
20 have any input into that --

21 COMMISSIONER STRATTON: Request the
22 Transportation Division to draft an ordinance --

23 MR. MATULE: We will certainly be happy
24 to make the request --

25 COMMISSIONER STRATTON: -- they don't

1 have to go to the City Council to make that request.

2 They can make that request --

3 CHAIRMAN HOLTZMAN: That is more
4 something we need to handle internally --

5 COMMISSIONER STRATTON: Yes.

6 CHAIRMAN HOLTZMAN: -- but we want to
7 just make a mention on it, so that it gets executed.

8 MR. GALVIN: It's a request.

9 CHAIRMAN HOLTZMAN: One at a time,
10 guys.

11 MR. MATULE: We will write a letter
12 requesting it.

13 CHAIRMAN HOLTZMAN: Great. Thank you.

14 COMMISSIONER DOYLE: You said Lots 8
15 through 6 or 16?

16 MR. GALVIN: 8 through 16, but I don't
17 know what I said. That is what I had written down.
18 Sometimes I get that --

19 (Laughter)

20 CHAIRMAN HOLTZMAN: Commissioners, any
21 additional questions, comments?

22 If not, is there a motion to approve
23 this application with the 11 conditions as just read
24 by Dennis?

25 COMMISSIONER JACOBSON: So moved.

1 CHAIRMAN HOLTZMAN: Tom.

2 COMMISSIONER PEENE: Second.

3 CHAIRMAN HOLTZMAN: Second from Mr.

4 Peene.

5 MS. CARCONE: Commissioner Magaletta?

6 VICE CHAIR MAGALETTA: Yes.

7 MS. CARCONE: Commissioner Doyle?

8 COMMISSIONER DOYLE: Yes.

9 MS. CARCONE: Commissioner Graham?

10 COMMISSIONER GRAHAM: Yes.

11 MS. CARCONE: Commissioner McKenzie?

12 COMMISSIONER MC KENZIE: Yes.

13 MS. CARCONE: Commissioner Peene?

14 COMMISSIONER PEENE: Yes.

15 MS. CARCONE: Commissioner Jacobson?

16 COMMISSIONER JACOBSON: Yes.

17 MS. CARCONE: Commissioner O'Connor?

18 COMMISSIONER O'CONNOR: Yes.

19 MS. CARCONE: Commissioner Holtzman?

20 CHAIRMAN HOLTZMAN: Yes.

21 Thank you.

22 MR. MATULE: Thank you very much.

23 CHAIRMAN HOLTZMAN: We will take a

24 15-minute break.

25 (Recess taken)

1 (The matter concluded)

2 (Commissioner Doyle excused)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: 7/7/16
This transcript was prepared in accordance with
NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD
HOP-16-6

- - - - - X
RE: 462 Newark Street : July 5, 2016
BLOCK: 18, LOT 2 :
APPLICANT: 462 Newark Street, LLC :
Minor Site Plan Review & Variances : 8:43 p.m.
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Caleb Stratton
Commissioner Ann Graham
Commissioner Caleb McKenzie
Commissioner Ryan Peene
Commissioner Tom Jacobson
Commissioner Kelly O'Connor

A L S O P R E S E N T:

David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner

Andrew R. Hipolit, PE, PP, CME
Board Engineer

Patricia Carcone, Board Secretary

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I N D E X

WITNESS

PAGE

James McNeight

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Edward Kolling

115,131

Thomas Peterson

128,133, 158

E X H I B I T S

EXHIBIT NO.

DESCRIPTION

PAGE

A-1

Photograph

98

1 CHAIRMAN HOLTZMAN: All right. I think
2 we are back on the record here.

3 It is 8:43. We are back on the record.

4 The next item on our agenda is 462
5 Newark Street.

6 MR. MATULE: Good evening, Mr.
7 Chairman, Board Members.

8 Robert Matule, appearing on behalf of
9 the applicant.

10 This is an application, as the Chairman
11 said, for the property at 462 Newark Street. It is
12 currently the site of Domino's Pizza. It has been
13 for many years.

14 We are requesting minor site plan
15 approval and variances to construct a new five-story
16 building with four residential units over a
17 commercial space, which will continue to be occupied
18 by Domino's going forward. That is the plan.

19 We are requesting several bulk
20 variances. Mr. Kolling will go through them
21 specifically in his testimony.

22 I have two witnesses tonight, James
23 McNeight, our architect, and Mr. Kolling, our
24 planner.

25 So on that note, if we could have Mr.

1 McNeight sworn and qualified.

2 MR. GALVIN: Please raise your right
3 hand.

4 Do you swear or affirm the testimony
5 you are about to give in this matter is the truth,
6 the whole truth, and nothing but the truth?

7 MR. MC NEIGHT: I do.

8 J A M E S M C N E I G H T, having been duly sworn,
9 testified as follows:

10 MR. GALVIN: State your full name for
11 the record and spell your last name.

12 THE WITNESS: James Mc Neight,
13 M-c-N-e-i-g-h-t.

14 MR. GALVIN: Mr. Chairman, do you
15 accept Mr. McNeight's credentials?

16 CHAIRMAN HOLTZMAN: We do.

17 MR. GALVIN: Thank you.

18 MR. MATULE: Thank you, Mr. Chairman.

19 Mr. McNeight, you are going to have one
20 exhibit that is not part of the plans?

21 THE WITNESS: Correct.

22 MR. MATULE: So we are going to mark it
23 as A-1, and could you just describe for the record
24 what that is?

25 (Exhibit A-1 marked.)

1 THE WITNESS: This is a photograph that
2 I took a couple of weeks ago from the high-rise that
3 is between Newark and Observer Highway just of the
4 site.

5 I will pass this around, but you can
6 see down here, the one-story building with the
7 Domino's sign is our site, and basically it happens
8 right at the convergence of Newark Street and
9 Observer Highway.

10 So I will pass that around, so you can
11 see it.

12 MR. MATULE: Okay.

13 So would you please describe for the
14 Board members the existing site and the surrounding
15 area?

16 THE WITNESS: Yes.

17 This is a 25 foot wide site on the
18 south face of this particular block number 18. It
19 is the south building wall in the City of Hoboken.

20 Beyond this is a gas station, and
21 beyond the gas station is the big railroad yard. So
22 when you look out any of these windows of the
23 proposed building, you are looking at the lower New
24 York City skyline across the top of all of the train
25 tracks basically.

1 It is an exceptionally long site. It
2 is 120 feet plus on the west side, and 109 feet on
3 the east side.

4 Basically, as you said, we are building
5 a five-story building with a commercial on the first
6 floor and four pretty much identical three-bedroom
7 apartments on the upper floor levels.

8 The second floor unit has a balcony
9 over the entrance way to the residential part of the
10 building. It also has a rear roof deck on top of
11 the one-story extension of the commercial space, and
12 it also is accessed down through the backyard, so
13 the second floor unit has a lot of outdoor space.

14 The top floor unit, as you can see on
15 the roof plan, has a roof deck.

16 You can see from the photograph that
17 with the exception of the two-story bar that is
18 directly to the east of the site, the rest of the
19 end of this particular block is built up with
20 50-foot high five-story apartment houses, so the
21 height of this will match the height of the
22 predominant edifices on that particular block.

23 So here we have the ground floor plan.
24 It has got two means of egress coming out delivering
25 people, residential people to the street on the east

1 side. This is the commercial space going back, and
2 it spreads out as it gets past the residential piece
3 and takes up this area here.

4 All of the apartments upstairs pretty
5 much are the same with the living room, dining room
6 and kitchen in the front with a step-back of the
7 facade.

8 You get corner windows in the living
9 room to take advantage of that scenery that I was
10 describing before.

11 There is two means of egress, as I
12 said.

13 This particular unit has a balcony in
14 the front and a roof deck in the back and a stairway
15 going down to the rear yard.

16 The two middle floors don't have any
17 outdoor space. The top floor is identical except it
18 goes up through one of the stairways to a private
19 roof deck.

20 Up on the roof, besides the roof deck,
21 are the air conditioner condensers in the center of
22 the roof. They are corded off with sound deadening
23 sound barriers.

24 The exhaust fan for the pizza
25 commercial rises up through the back of the building

1 through an enclosed shaft way, and at the very top
2 of that shaft, there is upflashed fan.

3 That particular restaurant just needs
4 what is known as a Type II exhaust fan, which just
5 takes the heat out of the building and releases it
6 to the atmosphere. There is no grease laden vapors.
7 There isn't any ansul system downstairs to protect
8 that cooking equipment. It is not necessary for a
9 pizza oven.

10 MR. MATULE: And while you are on that
11 sheet, Mr. McNeight, the second floor residential
12 unit, where that front balcony is, the property line
13 of the building runs at an angle across the front,
14 correct?

15 THE WITNESS: The property line goes
16 from this corner right here to this piece of the
17 triangle.

18 MR. MATULE: So if you triangulated
19 that rectangular balcony, the southern portion of
20 it, if you would, or the southeastern portion of it
21 would then be out over the property line?

22 THE WITNESS: Yes, correct.

23 MR. MATULE: So we are going to have to
24 make an application to the City Council for that?

25 THE WITNESS: Correct.

1 MR. MATULE: And does that also act as
2 sort of a portico or a cover for the residential
3 entrance?

4 THE WITNESS: Yes.

5 As you can see from my isometric on the
6 front, it acts as a cover for the entrance way, but
7 it also demarcates what is residential and what is
8 commercial.

9 MR. MATULE: And that is just on that
10 one floor?

11 THE WITNESS: Just on that one floor.

12 And then this cornice piece up here
13 repeats that shape, but this is hollow behind it.
14 There's no --

15 MR. MATULE: No usable space?

16 THE WITNESS: -- no usable space up
17 there.

18 MR. MATULE: Okay. And why don't you
19 just talk a little bit -- now, you have a green roof
20 on the upper roof, correct?

21 THE WITNESS: Yes, we do.

22 MR. MATULE: And the upper roof deck is
23 below the maximum 30 percent allowable?

24 THE WITNESS: Yes, it is. It's 398 as
25 opposed to -- I'm sorry -- it is 499 including the

1 bulkhead, but that is less than 30 percent of the
2 roof.

3 MR. MATULE: Right.

4 And pretty much the balance of the roof
5 you maxed out as the green roof trays?

6 THE WITNESS: Yes, in the front and in
7 the rear, correct.

8 CHAIRMAN HOLTZMAN: Dave, I know there
9 was some discrepancies on some of the earlier
10 versions of this application.

11 Are you in -- are you agreeing with Mr.
12 McNeight at this point on the roof calculation
13 because I know that was one of your serious
14 callouts.

15 MR. ROBERTS: Right.

16 And I think there were some changes
17 made to reduce the size of the rooftop terrace, so
18 they are not asking for -- they don't need 50
19 percent green roof, even though they are providing
20 one, because they have cut the roof towers down to
21 less than 30 percent.

22 CHAIRMAN HOLTZMAN: So they are
23 within --

24 MR. ROBERTS: They're within their
25 rights, they could have gotten rid of the green

1 roof, but they kept it.

2 You know, I don't have any issue with
3 the calculation.

4 CHAIRMAN HOLTZMAN: Thank you.

5 MR. MATULE: And the project will have
6 on-site stormwater detention?

7 THE WITNESS: Yes.

8 We have a tank that is varied in the
9 most northern part of the rear yard as the storm
10 retention system.

11 MR. MATULE: And one of the -- you
12 received the Maser reports, correct?

13 THE WITNESS: I did.

14 MR. MATULE: And one of the things that
15 was commented on was the impervious coverage in the
16 rear yard is 38.8 percent versus 30 percent?

17 Is that just a function of the paver
18 patio or --

19 THE WITNESS: Well, actually the entire
20 backyard is pervious because even the pavers have a
21 drainage system, so basically a hundred percent of
22 the backyard is impervious. The turf drains, and
23 the patio paver drains.

24 CHAIRMAN HOLTZMAN: Hang on, Mr.
25 Matule. I want Mr. Hipolit --

1 MR. HIPOLIT: Is it pervious or
2 impervious?

3 CHAIRMAN HOLTZMAN: -- I want Mr.
4 Hipolit to jump in here a second.

5 THE WITNESS: Pervious.

6 MR. HIPOLIT: Pervious, okay.

7 CHAIRMAN HOLTZMAN: Mr. Hipolit, Mr.
8 McNeight is showing us some stormwater detention
9 system, and this is one of the callouts on your
10 report, is that you and your office did not have
11 that on the version that you reviewed.

12 Is there -- is this something new, or
13 did I miss an interim step here?

14 MR. HIPOLIT: I think there was some.
15 Mr. Gloede provided a report back in May. It's
16 spelled with a G actually.

17 MS. CARCONE: G-l-o-e-d-e.

18 MR. MATULE: We actually -- I think we
19 actually submitted --

20 MR. HIPOLIT: Yeah, back in May,
21 correct?

22 MR. MATULE: May 20th.

23 MR. HIPOLIT: Could you give us some
24 testimony on it?

25 MR. MATULE: Other than we are

1 providing the stormwater detention, I think that's
2 what we -- I don't have Mr. Gloede here to testify.
3 These reports generally speak for themselves.

4 MR. HIPOLIT: Let me just look at it
5 for a second.

6 CHAIRMAN HOLTZMAN: Okay.

7 Mr. McNeight can continue, and we will
8 circle back with you, okay?

9 MR. MATULE: What I did also, while we
10 are on the backyard, one of the other Maser notes I
11 saw there was a question about whether the backyard
12 was going to be -- you had a cut sheet for some kind
13 of permaturf or something that was an artificial
14 permeable grass --

15 THE WITNESS: Yeah, on Z-5.

16 MR. MATULE: -- and the rear yard is
17 going to be treated with that as opposed to trying
18 to grow grass back down there and having the guy
19 upstairs drag a lawnmower down the stairs, right?

20 THE WITNESS: Correct.

21 You know, it is like a sports field,
22 you know, with the artificial turf, where the green
23 grass is, and this is the section through the
24 pavers, you know, that also drains.

25 MR. MATULE: So that all drains into

1 our detention system?

2 THE WITNESS: Correct.

3 MR. ROBERTS: Mr. Chairman, that would
4 be our recommendation, that it not be grass, but the
5 plan's note says grass or artificial turf.

6 Obviously the note will have to change that.

7 THE WITNESS: To artificial turf, yes.

8 CHAIRMAN HOLTZMAN: Okay.

9 So the whole backyard -- the backyard
10 consists of an artificial turf and some pavers?

11 MR. MATULE: Pervious pavers and
12 pervious turf.

13 CHAIRMAN HOLTZMAN: Right. But the
14 whole backyard, there's a stormwater drainage system
15 now. I think that was one of the things that was
16 not on the earlier versions.

17 MR. ROBERTS: Correct.

18 MR. MATULE: That is on the 6/21 plans.

19 CHAIRMAN HOLTZMAN: Okay.

20 MR. MATULE: And one of the other
21 things, Mr. McNeight, even though we have a
22 commercial space at grade, we are not providing any
23 on-site parking, correct?

24 THE WITNESS: No. No on-site parking.

25 MR. MATULE: And is it accurate that

1 because the lot is less than 50 feet wide in the R-3
2 Zone, you are not permitted to have on-site parking?

3 THE WITNESS: That is correct.

4 MR. MATULE: The applicant currently --
5 well, not the applicant, but the tenant that is
6 there running the Domino's Pizza currently, they
7 don't have any on-site parking, correct?

8 THE WITNESS: He does not.

9 MR. MATULE: Okay.

10 We will have our planner talk to that
11 variance, but I would like to think it is more of a
12 technical variance in the sense that we don't have
13 the on-site parking, and we can't have the on-site
14 parking.

15 And as far as the comments in the Maser
16 reports, you have no issues addressing any of those
17 comments or concerns?

18 THE WITNESS: I do not.

19 MR. MATULE: Okay.

20 I think that is pretty straightforward.

21 MR. GALVIN: What the Chair and I are
22 kicking around is, you are telling us at this point
23 that the Domino's doesn't create any smells or
24 odors. It is just really for heat.

25 But what if the future restaurant use

1 modifies and becomes something else?

2 MR. MATULE: Well, I would make two
3 suggestions. I have the operator here, but I would
4 just --

5 CHAIRMAN HOLTZMAN: But their kitchen
6 equipment could also change in the future as well.

7 MR. MATULE: Well, what I would suggest
8 is a condition in any resolution of approval with
9 respect to the commercial space, that if the food
10 service operation is modified or expanded in any
11 way, that there is going to be cooking on the
12 premises that requires an ansul system or any type
13 of upgrade, that the applicant would have to come
14 back and run it by the Board to see if they are
15 going to trigger the need for like a Smog Hog or
16 something else.

17 VICE CHAIR MAGALETTA: Can we say if
18 it's anything other than a pizza oven, specify any
19 use -- anything besides the pizza oven is used,
20 can we do that?

21 MR. MATULE: Cooking equipment.

22 VICE CHAIR MAGALETTA: Pizza cooking
23 equipment.

24 MR. MATULE: No, no. Any other cooking
25 equipment.

1 VICE CHAIR MAGALETTA: Right, any
2 other, other than pizza oven, exactly.

3 THE WITNESS: Technically, I mean, you
4 can say if the need arises for a Type I, which is
5 when you have grease laden vapors --

6 CHAIRMAN HOLTZMAN: We can say that
7 and --

8 VICE CHAIR MAGALETTA: But that is a
9 judgment call as opposed to --

10 MR. MATULE: I think that is a building
11 code call.

12 THE WITNESS: Health Department
13 basically.

14 CHAIRMAN HOLTZMAN: We can do it both
15 ways. We can say specific to Type I and also make
16 it in layman's language, anything additional to a
17 pizza oven.

18 MR. MATULE: Okay.

19 CHAIRMAN HOLTZMAN: Mr. Roberts, any
20 questions for Mr. McNeight at this point?

21 MR. ROBERTS: I think, Mr. Chairman,
22 there was a number of callouts with regard to things
23 like corrections to plan consistency with notes in
24 the plans, issues with or just corrections to a
25 zoning table to make sure all of the zoning

1 requirements are stated in the table.

2 I think as far as the substantive
3 issues, obviously we have the building coverage is
4 probably the main thing, and there is on Sheet Z-2
5 the coverage plan that we have, and I imagine the
6 planner is going to get into that when the planner
7 gets up, but that effectively gives you your total
8 building coverage because of that 77 percent.

9 One of the things that I think is
10 interesting because of the diagonal, this balcony is
11 about half within the city right-of-way and half on
12 the property.

13 So I think maybe one of the questions,
14 since they are going to need relief for that from
15 the City Council, is there something -- that is a
16 third bedroom in that particular unit, whether or
17 not that bedroom might be modified in such a way
18 that that balcony could be designed, so that it is
19 totally within the property limit.

20 CHAIRMAN HOLTZMAN: So the lot coverage
21 at this point as drafted is what again?

22 MR. ROBERTS: I believe it is 77 --

23 CHAIRMAN HOLTZMAN: 77.6?

24 MR. ROBERTS: -- 77.6, yes.

25 CHAIRMAN HOLTZMAN: And there is a

1 balcony that's in the right-of-way?

2 MR. ROBERTS: There's a balcony --
3 because they are squaring it off, it is in the
4 right-of-way, but that particular part of the
5 residential portion of the building is a bedroom
6 which is 13 --

7 VICE CHAIR MAGALETTA: And also, there
8 is no three foot buffer on that balcony. That's
9 another issue --

10 CHAIRMAN HOLTZMAN: Right.

11 VICE CHAIR MAGALETTA: -- so that would
12 be another reason to push it further into the --

13 MR. ROBERTS: Right.

14 And then the three foot setback on the
15 lower roof deck, the roof deck is where that three
16 foot applies is in the back because it is over the
17 top of the ground floor.

18 COMMISSIONER GRAHAM: Wasn't the --

19 CHAIRMAN HOLTZMAN: Commissioner
20 Graham?

21 COMMISSIONER GRAHAM: The ground floor
22 is 75 percent and the upper floors are compliant at
23 60 percent, or 64.3, including balconies --

24 MR. ROBERTS: Right.

25 The ground floor protrudes out in the

1 rear, and the balconies protrude out in the front,
2 so you have to take the total physical limit of the
3 building, and that is the 77 percent.

4 COMMISSIONER GRAHAM: Okay.

5 MR. MATULE: And that's the maximum
6 taking the worst case scenario.

7 Speaking to that front balcony --

8 CHAIRMAN HOLTZMAN: I don't know if it
9 is the worst case scenario. That is what it is --

10 MR. MATULE: Yes. I mean --

11 CHAIRMAN HOLTZMAN: -- I mean lot
12 coverage.

13 MR. MATULE: -- I mean that in the
14 context that heretofore the architects used to break
15 it down by floor, and you now want to take the
16 maximum, and that is what we are asking for. That
17 is what I meant by "worst case scenario." It is
18 what it is.

19 But the third and --

20 CHAIRMAN HOLTZMAN: It's the definition
21 of lot coverage, correct.

22 MR. MATULE: -- the third, fourth and
23 fifth floors do not have that balcony overhang. The
24 point being that it really doesn't change the
25 configuration or the size of the bedroom, correct,

1 Mr. McNeight?

2 THE WITNESS: No.

3 MR. MATULE: It is really just to try
4 to create a portico --

5 THE WITNESS: It's just to -- yeah,
6 just to protect the entrance way of the residential
7 entry.

8 MR. MATULE: And it's approximately 25
9 square feet that's out over the property line?

10 THE WITNESS: That's correct.

11 CHAIRMAN HOLTZMAN: Mr. Hipolit,
12 anything for Mr. McNeight at this point?

13 MR. HIPOLIT: No.

14 The drainage is fine. They are
15 providing twice the storage they need to provide,
16 which is fine.

17 CHAIRMAN HOLTZMAN: So that's twice the
18 North Hudson Sewerage Authority?

19 MR. HIPOLIT: Yes.

20 The second item they have is what you
21 have addressed, the cooking changes they agreed to
22 come back to the Board before final, right?

23 They also addressed the comment that
24 the backyard is now synthetic turf and not grass, so
25 the rest of the stuff in the letter could be an

1 issue.

2 CHAIRMAN HOLTZMAN: Okay. Did you have
3 anything else, Mr. Matule?

4 Do you have any questions for the
5 architect?

6 MR. MATULE: Not of Mr. McNeight unless
7 the Board has any questions.

8 CHAIRMAN HOLTZMAN: Commissioners, any
9 questions for Mr. McNeight on the architecture of
10 this building at this point?

11 COMMISSIONER GRAHAM: Not yet.

12 CHAIRMAN HOLTZMAN: Ms. Graham?

13 COMMISSIONER GRAHAM: Not yet.

14 CHAIRMAN HOLTZMAN: Okay. You will
15 hold off. Great.

16 MR. MATULE: Okay. Then --

17 CHAIRMAN HOLTZMAN: Any members of the
18 public that have any questions for the architect?

19 Okay. None.

20 We will close public portion.

21 (Witness excused)

22 MR. MATULE: Mr. Kolling.

23 MR. GALVIN: Raise your right hand.

24 Do you swear or affirm the testimony
25 you are about to give in this matter is the truth,

1 the whole truth, and nothing but the truth?

2 MR. KOLLING: Yes, I do.

3 E D W A R D K O L L I N G, having been duly sworn,
4 testified as follows:

5 MR. GALVIN: State your full name for
6 the record and spell your last name.

7 THE WITNESS: Edward Kolling,
8 K-o-l-l-i-n-g.

9 MR. GALVIN: Mr. Chairman, do you
10 accept Mr. Kolling's credentials?

11 CHAIRMAN HOLTZMAN: We do.

12 MR. MATULE: Mr. Kolling, you are
13 familiar with the zoning ordinance and the master
14 plan of the City of Hoboken?

15 THE WITNESS: Yes, I am.

16 MR. MATULE: And you are familiar with
17 the proposed project?

18 THE WITNESS: Yes.

19 MR. MATULE: And you prepared a
20 planner's report, dated February 1, 2016, in support
21 of the requested variance relief?

22 THE WITNESS: Yes.

23 MR. MATULE: And since that report was
24 prepared, there were a couple of additional
25 variances called out, one for parking, and I forget

1 what the other one was, but can you go through your
2 report and give us your professional opinion
3 regarding the requested variance relief?

4 THE WITNESS: Okay.

5 I will be brief in terms of the project
6 description because Jim has already gone through
7 that, and he's also gone through a lot of the
8 surrounding area.

9 One of the things I would point out is
10 that immediately adjacent to our west is the
11 five-story building that goes back the full depth of
12 the lot, so we have a five-story tall blank wall
13 adjoining us on that side, and it is another
14 four-story blank wall in the rear. This property
15 sort of bumps up, abuts into that.

16 Currently the property has about a
17 hundred percent impervious coverage and about 85
18 percent building coverage with the existing
19 commercial use.

20 The proposed development would reduce
21 that coverage from 85 percent to 77.6 percent, and
22 it will decrease the pervious coverage to that same
23 number because of the use of pervious pavers and the
24 lawn area, the artificial lawn area, and it will
25 also mitigate that coverage further by having the

1 detention system that doesn't currently exist.

2 The zoning at the site is R-3, and the
3 intent there is to advance the achievement of a
4 viable residential neighborhood, to encourage
5 conservation or rehabilitation of existing sound
6 residential blocks, support residential
7 revitalization by providing housing types and
8 related uses, and otherwise reinforce the
9 residential characteristics of this district, and
10 that is what I think this project does.

11 Currently the building that's on site
12 is a hundred percent commercial, so it is not
13 residential whatsoever. It doesn't fit in with the
14 intent and purpose. And by introducing the four
15 residential uses within the building, I think you
16 are promoting the intent and purpose of the R-3
17 District.

18 The variances include lot coverage,
19 which permitted, there is 60 percent, and we had
20 77.6 percent. Again, that is a decrease.

21 We also have the rear yard, where
22 25.75, where in the past it was about 11 feet, so
23 that is an increase of more than double over 200
24 percent, so I think that shows going toward the
25 intent of the zone plan.

1 The building depth is somewhat affected
2 by the angular front property line as well as the
3 added depth that Jim had mentioned. One side is
4 like 120 feet deep I think, and the other side is
5 like a hundred and nine.

6 The other two variances are -- maybe
7 three actually -- well, no, the rear yard impervious
8 is going away because of pervious surfaces. The
9 rear yard impervious coverage was a variance, too,
10 but I think that is gone because of the percentage
11 of pervious pavers and other materials that will be
12 used.

13 There was a lower deck setback
14 requirement, but that changed with Jim's revisions,
15 and we do have three foot off each side for the
16 lower roof deck.

17 There were balconies off the rear, and
18 I am not sure if that requires the same three feet
19 or not, if you want to address that.

20 The rear decks are tucked into the
21 building, so it really is within the envelope, so I
22 am not sure if the three foot would apply.

23 However, in this case, if it does, I
24 think there is a mitigating factor that would allow
25 for the granting of that variance in that the

1 building that adjoins us on the side where the
2 balconies are is a blank wall everywhere. There is
3 no windows whatsoever there. There is no reason to
4 provide a buffer, and it really encapsulates that
5 balcony within the footprint of the building.

6 I think the beneficial aspects of that
7 is it does provide some outdoor living space for the
8 units, which are more family-sized units.

9 I think that the project promotes
10 several of the purposes of the master plan or
11 recommendations of the master plan, including the
12 recommendations of the R-3 District. It promotes
13 compatibility in scale, density and design.

14 It is -- this building is pretty much
15 consistent with the majority of the buildings in the
16 area. It is within the density, so I think it
17 promotes that recommendation of the master plan.

18 The buildings is oriented towards the
19 street with the commercial use as well as
20 residential entry way.

21 We provide open space at the interior
22 of the block, notwithstanding the fact that we are
23 lesser than required, we're still a significant
24 increase over what is there today, so I think it
25 does promote that recommendation.

1 It promotes a mix of uses, which is
2 also a recommendation of the master plan. It has
3 green architecture elements to it, which again is
4 part of the master plan recommendations, and the
5 quality housing I think it also provides in terms of
6 being family-friendly and the larger three-bedroom
7 units, and I think that promotes the recommendations
8 of the master plan.

9 The idea of having street trees is
10 recommended as well.

11 In looking at the variances, I think
12 the lot coverage variance can be granted because it
13 is an improvement over what is there today. It
14 doesn't quite meet the percentage. However, we are
15 trying to strike a balance between providing a
16 somewhat larger commercial space, so that it can be
17 active and contribute to the well-being of the area,
18 while at the same time increasing the amount of open
19 space in the rear.

20 I don't see that granting this variance
21 would result in a substantial detriment because of
22 the specific conditions that affect this property,
23 that being that there is a blank wall to our left
24 facing the property, which is to the west, and also
25 to the north, so there is really not the condition

1 here where you would have had the Hoboken donut. It
2 just doesn't exist there.

3 The rear of this property isn't
4 interconnected with that donut section that would
5 have existed, and therefore, I think granting the
6 variance doesn't result in a substantial detriment
7 to that intent of the zone plan, nor do I think that
8 it affects the general welfare.

9 I think, on the other hand, the
10 positive regarding some amount of open space there
11 of providing the additional pervious surfaces and
12 the extra drainage is a benefit, and I think we meet
13 the C-2 criteria.

14 The rear yard and the building depth is
15 a similar sort of condition, which is also affected
16 by the added depth of this lot and the fact that the
17 lot is on an angle.

18 Measuring it on one side, the property
19 is going to give you greater depth than on the other
20 side, so it is kind of a difficulty in meeting that
21 building depth idea, but also just in terms of the
22 idea of creating that ground floor commercial use
23 that has some added space, so it could be a viable
24 and an active space, I think that is beneficial.

25 And a lot of the same things that I

1 discussed in terms of the coverage that would apply
2 here as well.

3 Even though we do extend further back,
4 we won't have quite the full size to the rear yard,
5 we do improve significantly on what was there
6 before. So, again, I think we meet the C-2
7 criteria, again, not impacting the Hoboken donut
8 concept and not negatively impacting the general
9 welfare of the public good.

10 The other variances that we -- which
11 came up later had to do with the parking variance
12 for the commercial use. There is sort of I guess a
13 disconnect in a way.

14 In any zone, where you have a lot that
15 is less than 50 feet, curb cuts are not permitted,
16 so on the other hand, you do have a requirement for
17 commercial parking, but you can't provide the
18 commercial parking because you can't have the curb
19 cut, so I am not sure how to necessarily interpret
20 that.

21 At any rate, I think in terms of the
22 negative criteria at least, I don't see any
23 substantial detriment to the public good or the zone
24 plan because there is an existing commercial use
25 there that provides no parking. The commercial use

1 will actually reduce somewhat in size, so any impact
2 will be lesser than any impact that there is today.

3 I think the hardship created by the
4 fact that you can't have a curb cut means you can't
5 provide parking, so I think we could be granted a
6 variance on that basis.

7 We already discussed the need for a
8 three foot buffer for the balconies in the rear, so
9 I think that pretty much concludes the testimony.

10 The variances or the granting of the
11 variances, the approval of the project, I think also
12 promotes the purposes of the Municipal Land Use Law,
13 and that approving this I think would provide the
14 appropriate use and development of this site in a
15 manner that will promote the general welfare for the
16 development of housing in this residential zone,
17 where none currently exists, family-friendly
18 housing, and also the commercial use to serve the
19 surrounding community.

20 It promotes the establishment of the
21 appropriate population density. The density
22 proposed is within the density, which is permitted.

23 The property provides sufficient space
24 in an appropriate location for this mixture of uses
25 and it also promotes a desirable visual environment.

1 Today there is a rather plain one-story
2 commercial building there, and what we propose in
3 its place is a five-story residential mixed-use
4 building that is of consistent height and scale to
5 the buildings that currently exist, and also there
6 is the benefit of green development, so those are
7 additional benefits that I think also goes to the
8 C-2 criteria, and that concludes the testimony.

9 CHAIRMAN HOLTZMAN: Thank you, Mr.
10 Kolling.

11 MR. MATULE: Thank you, Mr. Kolling.

12 CHAIRMAN HOLTZMAN: Mr. Roberts,
13 anything for Mr. Kolling at this time?

14 MR. ROBERTS: Just one follow-up, Mr.
15 Chairman, on the building coverage.

16 If I understand the rationale that you
17 are saying, the justification for the 77 percent is
18 the reduction from the original, but also that there
19 is a benefit to having the commercial space on the
20 ground floor.

21 Was there a determination that -- I
22 know the Board is looking to have larger commercial
23 spaces as kind of a preference, but is the space
24 that is being recommended in some way for the
25 commercial space related to the impervious surface,

1 in other words, do you need that much square footage
2 on the ground floor in order for that retail space
3 to be functional?

4 THE WITNESS: That is the idea, yes.
5 That's exactly the idea.

6 I mean, it is not a scientific
7 measurement that was undertaken, but the idea to
8 have a little bit more space, you know, you have a
9 little bit more flexibility in the type of uses that
10 can go in there --

11 CHAIRMAN HOLTZMAN: Let's make sure we
12 have it on the record.

13 What is the commercial space square
14 footage, less any lobby space or anything else?
15 Let's just make sure that we are talking about it.
16 Let's note it.

17 MR. MATULE: The gross is 1679.

18 THE WITNESS: 1679.

19 MR. GALVIN: Okay. What's the typical
20 Domino's store?

21 THE WITNESS: Well, the one that is
22 there is now is larger than that because it takes up
23 the whole building, and the building goes back
24 further. There is no residential lobby or hallway
25 space, so this has been a reduction in the amount of

1 the space --

2 MR. GALVIN: Let me just stop you.

3 Does anybody here know what the minimum
4 sized store for Domino's is?

5 THE WITNESS: There might be someone
6 here, but not me.

7 CHAIRMAN HOLTZMAN: There might be.

8 MR. MATULE: I don't know. We have the
9 operator. We can bring him up and get him sworn and
10 ask him.

11 MR. GALVIN: We can ask him because
12 that would be helpful. I think it goes to the
13 proofs that we need it.

14 Raise your right hand.

15 Do you swear or affirm the testimony
16 you are about to give in this matter is the truth,
17 the whole truth, and nothing but the truth?

18 MR. PETERSON: Yes, sir.

19 T H O M A S P E T E R S O N, having been duly
20 sworn, testified as follows:

21 MR. GALVIN: State your full name for
22 the record and spell your last name.

23 THE WITNESS: Thomas Peterson,
24 P-e-t-e-r-s-o-n.

25 MR. GALVIN: And what is your

1 relationship with Domino's?

2 THE WITNESS: I'm a franchisee of the
3 Domino's unit that's there for the last 29 years in
4 Hoboken.

5 MR. GALVIN: You are familiar with the
6 requirements for Domino's?

7 THE WITNESS: Yes, sir.

8 I just built a store in Jersey City
9 about two years ago, and we are about 1800 square
10 foot.

11 I know the minimum is probably about
12 14, and the maximum like goes up to like 35 or 4,000
13 square feet, but I know the minimum requirement is
14 about 1400 square feet.

15 CHAIRMAN HOLTZMAN: And it is your
16 intention to stay in this location?

17 THE WITNESS: Yes, sir.

18 MR. GALVIN: You've been there for 29
19 years?

20 CHAIRMAN HOLTZMAN: He hasn't been
21 there for 29 years.

22 THE WITNESS: Yes, I have. I was on
23 202 Washington Street in 1987.

24 CHAIRMAN HOLTZMAN: You've been, but
25 you haven't been at that location for that long.

1 THE WITNESS: 20 years, sir. 20 years.

2 MR. GALVIN: 20 years, though.

3 CHAIRMAN HOLTZMAN: That is certainly
4 substantial, but I know he hasn't been there the
5 whole time.

6 Okay. So it is within the parameters
7 of where a Domino's operates.

8 MR. GALVIN: Well, that is what I was
9 asking, because if you need that much space, that is
10 a purpose, a reason, why you have to have that --

11 CHAIRMAN HOLTZMAN: I guess the next
12 question is: Is the reduction from what you
13 currently have to what is being proposed here, this
14 is also acceptable for your business?

15 THE WITNESS: We can still function at
16 the current size that they have on board.

17 CHAIRMAN HOLTZMAN: And obviously you
18 are going to need to relocate or something in the
19 interim time when this new building is being built?

20 THE WITNESS: Yeah. I have a store in
21 Jersey City downtown now, and I'll probably take
22 over some of the area delivery-wise from there to
23 here.

24 CHAIRMAN HOLTZMAN: Okay.

25 So you would say even though there is a

1 short-term obviously difficulty for your
2 operations --

3 THE WITNESS: For sure.

4 CHAIRMAN HOLTZMAN: -- in the long run,
5 it is a benefit for your business or --

6 THE WITNESS: Yes, sir.

7 I mean, I have been doing this a long
8 time, and you know, I'm in it to the end, and my son
9 is involved with the business now, and you know, it
10 is my goal to hopefully hand it over to him at some
11 point.

12 CHAIRMAN HOLTZMAN: Great. Thank you.

13 Any questions for the Domino's
14 franchisee?

15 MR. GALVIN: I appreciate your
16 testimony.

17 Thank you.

18 THE WITNESS: Thank you.

19 CHAIRMAN HOLTZMAN: Thank you.

20 (Witness excused)

21 E D W A R D K O L L I N G, having been previously
22 sworn, testified further as follows:

23 MR. ROBERTS: So really the problem,
24 Mr. Chairman, is that the trade-off though then is
25 the amount of square footage that's needed on the

1 ground floor for the retail space as opposed to what
2 kind of remnants of a donut there is in the
3 neighborhood. It's like there is a portion of a
4 rear yard on the property immediately to the right
5 basically from the street, but I think the block is
6 wrapped by a pretty large condominium building that
7 extends out into that donut, so the donut is a
8 little bit --

9 THE WITNESS: Tangled.

10 MR. ROBERTS: -- so you are saying that
11 there is not an adverse impact because it is
12 fragmented in that area, and the benefits of the
13 commercial space outweigh that?

14 CHAIRMAN HOLTZMAN: Mr. Matule, did you
15 want to show us something?

16 MR. MATULE: Maybe if I could have
17 this.

18 Is this apropos to what you are talking
19 about? I think this illustrates it pretty well.
20 That is that big condo.

21 MR. ROBERTS: Right. That's the front
22 side, and then it actually extends out I believe in
23 the rear to some extent, too, in that center area.

24 There is the building to your right,
25 which is the red brick building, it looks like it's

1 only about 50 feet deep, so a relatively small
2 building?

3 THE WITNESS: That is a small two-story
4 building.

5 MR. ROBERTS: Right.

6 And there is a little bit of a yard
7 area behind that, but that is pretty much it?

8 THE WITNESS: That's more the outlier.
9 Everything else seems to be five stories and
10 extending much deeper and having the first floors go
11 out and cover parking, so most of the block is that
12 way versus what you see to the right.

13 MR. ROBERTS: Okay.

14 Mr. Chairman, I just wanted to get
15 some, you know, just additional testimony on the
16 coverage. That is really obviously the more
17 significant of the variances.

18 CHAIRMAN HOLTZMAN: Okay.

19 COMMISSIONER JACOBSON: I'm sorry.

20 Could we bring Mr. Peterson back up?

21 CHAIRMAN HOLTZMAN: Yes, sure.

22 Mr. Peterson, would you indulge us?

23 MR. PETERSON: Sure, of course.

24 CHAIRMAN HOLTZMAN: Thank you.

1 T H O M A S P E T E R S O N, having been
2 previously sworn, resumed the stand and testified
3 further as follows:

4 COMMISSIONER JACOBSON: Could you
5 provide an estimate of how much of your current
6 business is delivery versus customers coming and
7 picking up themselves?

8 THE WITNESS: Actually Domino's is
9 making a real big push right now for carry out.

10 Our current numbers are like 20 percent
11 carry out and 80 percent delivery. Actually it is
12 like more 70 percent carry out in some areas, and 30
13 percent. I am not sure when you get that, and we've
14 always been a delivery company, and I think that is
15 going to probably remain.

16 I think in this unit we are probably
17 going to go about 60/40.

18 COMMISSIONER JACOBSON: And what are
19 your hours of delivery?

20 THE WITNESS: Currently they're Sunday
21 through Thursday, 11 o'clock -- about ten o'clock to
22 one o'clock a.m., and Friday and Saturday to two
23 a.m.

24 COMMISSIONER JACOBSON: So now the
25 difficult question is: Where do the delivery

1 vehicles pick up the pizza from, and how is that
2 going to relate to this now being a mixed use --

3 THE WITNESS: We have been doing --

4 COMMISSIONER JACOBSON: -- structure
5 versus dedicated for only the region --

6 THE WITNESS: -- it for a long time.
7 Obviously it has been a struggle in Hoboken for
8 many, many years apart, and that probably hasn't
9 changed. But what we are going to do on our end,
10 we're going to purchase bicycles. In fact, I just
11 purchased three for my unit in Jersey City. We just
12 think it's conducive to what we do. Our delivery
13 area is very tiny. It's only a mile and a half
14 long. This one is even smaller.

15 Originally my store here delivered all
16 the way to downtown Jersey City to Christ Hospital.
17 That is how much coverage we had, so I ended up
18 putting a second unit in just for service reasons
19 and make it conducive to potentially do it by
20 bicycles, and that is our goal.

21 COMMISSIONER JACOBSON: Okay.

22 CHAIRMAN HOLTZMAN: Thank you.

23 THE WITNESS: Thank you.

24 (Witness excused.)

25 CHAIRMAN HOLTZMAN: Any other

1 questions, Commissioners, for Mr. Kolling on the
2 planner's report?

3 No. Okay.

4 Anybody else, Mr. Matule?

5 MR. MATULE: No. I have no other
6 witnesses. Just a couple of closing remarks.

7 CHAIRMAN HOLTZMAN: Okay.

8 MR. MATULE: As both the architect and
9 the planner testified, this property is rather
10 unusual both in its shape as well as its
11 surroundings. It is not the typical rectangular
12 grid with a greenway donut hole down the middle of
13 the block.

14 Presently there is a ten foot rear yard
15 or approximately ten feet and approximately 85 and a
16 half percent lot coverage.

17 Part of what we tried to do in working
18 with the franchisee, who is there now, because part
19 of this whole plan is to have a long-term lease with
20 him when the new building is done is to try to
21 strike a balance between what is there now, what the
22 ordinance calls for, and what we could reasonably
23 meet halfway with that, so that is where some of the
24 lot coverage is being driven.

25 I would like to think that those two

1 little balconies on the front of the building on the
2 second floor are really more esthetic in design.
3 Obviously they have a secondary function with the
4 person who lives in that unit, but they do delineate
5 the angle of the building and separate the
6 commercial and residential entrances both visually
7 and physically. There is a lot of green benefits to
8 the new building.

9 Basically we are almost, I don't know,
10 I will say at least 85.5 percent impervious now. I
11 don't know what the backyard is constructed of right
12 now, but we are going to have a completely pervious
13 rear yard. We're going to have on-site stormwater
14 detention. We're going to have a green roof. We
15 are within the permissible density.

16 I certainly think we are in keeping
17 with the scale of the surrounding buildings, and I
18 think it would be a substantial improvement to the
19 neighborhood. That is really a commercial corridor,
20 and it calls for a commercial space on the ground
21 floor.

22 CHAIRMAN HOLTZMAN: There are a couple
23 of questions floating out there, and may be the
24 architect, you should bring Mr. McNeight back up,
25 but --

1 MR. MATULE: Sure.

2 CHAIRMAN HOLTZMAN: -- but the grade
3 level, which is certainly within the flood zone, is
4 going to be dry floodproofed, I assume.

5 J A M E S M C N E I G H T, having been previously
6 sworn, testified as follows:

7 THE WITNESS: Yeah.

8 CHAIRMAN HOLTZMAN: I don't remember
9 seeing that note or specifically talking about that.

10 THE WITNESS: The whole Z-6 is the
11 floodproofing.

12 So the gray area is the floodproof, the
13 commercial area, but the residential area allows the
14 water to come in and go out through flood vents.

15 CHAIRMAN HOLTZMAN: Okay. I wanted to
16 make sure we got that on the record.

17 Thank you.

18 MR. MATULE: Yes. We have that
19 follow-up letter of April 7th from the Flood Plain
20 Administrator.

21 CHAIRMAN HOLTZMAN: All right.

22 And then, Mr. McNeight, is there any
23 kind of a front elevation, maybe anything in color
24 or anything like that, so we could get a good look
25 at the front elevation?

1 Because I think there is some concern
2 still about that balcony that is in the public
3 right-of-way and things like that. I want to make
4 sure the Commissioners are --

5 THE WITNESS: Well, the best way to see
6 it is this isometric here.

7 CHAIRMAN HOLTZMAN: Okay.

8 So where is the property line that --

9 THE WITNESS: In this isometric, the
10 property line goes from this point to this point.

11 CHAIRMAN HOLTZMAN: So it's kind of
12 like the most --

13 THE WITNESS: You can see it on the
14 site plan here.

15 CHAIRMAN HOLTZMAN: -- so if I am
16 standing on the balcony, it is the far left corner?

17 THE WITNESS: It's the far left corner.
18 That's the triangular hanging out onto the
19 right-of-way.

20 MR. ROBERTS: Mr. Chairman, another way
21 you could do this, you look at it --

22 MR. MATULE: This balcony is within the
23 property line.

24 CHAIRMAN HOLTZMAN: I understand that.

25 MR. MATULE: You were saying the left

1 corner. I just wanted to be clear.

2 CHAIRMAN HOLTZMAN: Oh, no, no, no.

3 MR. GALVIN: No. It is on Mr.
4 McNeight's left.

5 THE WITNESS: Yeah. That is what I was
6 thinking.

7 But this rectangle is cut in half
8 dangling, so --

9 CHAIRMAN HOLTZMAN: If I am standing on
10 the eastern balcony, my left side is in the public
11 right-of-way?

12 THE WITNESS: Yes.

13 MR. GALVIN: Correct.

14 MR. ROBERTS: Really as the property
15 line runs from corner to corner in the building,
16 so I guess my -- I have a follow-up question to
17 that, Mr. Chairman, which is: If that configuration
18 which matches the trellis line on the roof at the
19 top there --

20 THE WITNESS: Yes.

21 MR. ROBERTS: -- those two
22 architecturally are meant to I think repeat
23 themselves.

24 THE WITNESS: Correct.

25 MR. ROBERTS: But you are going to

1 need -- I guess you will effectively need City
2 Council approval for extending into the right-of-way
3 for both.

4 What happens if the answer is no, what
5 would be your architectural response?

6 CHAIRMAN HOLTZMAN: So the one at the
7 grade level also serves as like an overhang for the
8 front entrance, right?

9 MR. ROBERTS: Right.

10 CHAIRMAN HOLTZMAN: And that's also a
11 function --

12 THE WITNESS: If they say no, we
13 will -- and another wrinkle to this is Newark Street
14 is the conundrum as well, so it is actually county
15 land that we're going to be franchising to put this
16 overhang in, so we will have an input to that as
17 well. But if they say no, then this will just
18 become straight. It wouldn't take that zigzag.

19 MR. ROBERTS: And there is access to
20 that triangular balcony as well?

21 THE WITNESS: Yes.

22 CHAIRMAN HOLTZMAN: Okay.

23 Commissioners, any additional questions
24 or concerns about the balcony or the top design
25 element?

1 COMMISSIONER O'CONNOR: I have a
2 question.

3 I'm sorry. Maybe it's because I can't
4 really read this, but--

5 CHAIRMAN HOLTZMAN: Yeah, these are
6 real small, but go ahead.

7 COMMISSIONER O'CONNOR: Good. I'm not
8 the only one.

9 Is it five feet out into the
10 right-of-way, is that what I am seeing?

11 MR. ROBERTS: At its longest point it
12 is five feet.

13 COMMISSIONER O'CONNOR: At its longest
14 point. Got it.

15 CHAIRMAN HOLTZMAN: So can you point
16 that out to us where that would be?

17 THE WITNESS: That five foot dimension
18 is the short part of the triangle, but it would be
19 something less than that, if you measured it, you
20 know, parallel to the property line, it would be
21 four feet something.

22 CHAIRMAN HOLTZMAN: Any other concerns,
23 Mr. Magaletta?

24 VICE CHAIR MAGALETTA: No.

25 CHAIRMAN HOLTZMAN: Okay.

1 Mr. Peene, anything?

2 COMMISSIONER PEENE: Hum, the lot
3 coverage number still gets me on this one because I
4 do believe most of the buildings on both sides of
5 that building and looking at the maps, there is some
6 sort of a donut there, and I think going from 80 --
7 what was it --

8 CHAIRMAN HOLTZMAN: 85.

9 COMMISSIONER PEENE: -- 85 percent to
10 77.6 percent is really a de minimus in my -- in my
11 opinion, and --

12 MR. MATULE: Percent --

13 COMMISSIONER PEENE: -- and an
14 application like this, that I don't feel there is
15 anything beneficial to the community being done with
16 it. It is in an interesting spot, so, Mr. Matule,
17 if you --

18 MR. MATULE: Well --

19 COMMISSIONER PEENE: --- we'll give you
20 an opportunity.

21 MR. MATULE: -- a couple points.

22 I appreciate that when we just look at
23 numbers in a vacuum, yes. But we are reducing it by
24 8 percent what is there now, and we are doubling the
25 size of the rear yard that is there now, more than

1 doubling it. I think we are required to have 30
2 feet, and we have 25 and a half feet, so we are four
3 and a half feet short.

4 As I said earlier, we are trying to
5 strike a happy balance between what the current
6 commercial space is now and what the tenant needs to
7 operate, and what in the context of everything that
8 is surrounding us works.

9 And I certainly appreciate the comment
10 that there is a donut there, but really if you look
11 in Mr. Robert' report on Page 5 of his report of
12 June 22nd, I mean, other than the space behind the
13 bar that is next door, there is really not a donut
14 to speak of until you get to the rear of the big
15 condo building that wraps around the block.

16 CHAIRMAN HOLTZMAN: So the rear yard is
17 currently what, Mr. Matule?

18 25?

19 MR. MATULE: The rear yard is currently
20 somewhere between ten and 11 feet right now.

21 CHAIRMAN HOLTZMAN: Right. It is
22 proposed at what?

23 MR. MATULE: 25.5 feet.

24 CHAIRMAN HOLTZMAN: Okay. So is
25 there -- is it worth a consideration to take the

1 backyard variance off of the table and how difficult
2 it might get to get it to 30 feet?

3 I don't know if the other four feet is
4 a make or break.

5 MR. MATULE: We could have that
6 discussion. If I could have two minutes, I think it
7 is something that --

8 CHAIRMAN HOLTZMAN: Eliminates a
9 variance, and it's only four feet. I don't know if
10 that is a fair trade-off, you know.

11 MR. MATULE: Let me have that
12 conversation.

13 Can we take a break for a few minutes?

14 CHAIRMAN HOLTZMAN: Sure.

15 Well, let's see if the Commissioners
16 have any other opinions or anything else at this
17 moment.

18 No. Okay.

19 MR. MATULE: Because I also would want
20 to find out --

21 CHAIRMAN HOLTZMAN: I'm sorry. Mr.
22 Magaletta?

23 VICE CHAIR MAGALETТА: So there is an
24 issue with the front balcony and there not being any
25 buffer at all between -- there's no buffer on the

1 front balcony at all, between the edge and the
2 street, somebody can just fall over very easily, and
3 I have an issue with that.

4 CHAIRMAN HOLTZMAN: Okay. Previously
5 we have had people who have proposed railing systems
6 or some type of a row of planters, so that somebody
7 isn't right next to the edge of it. These are
8 also -- these are things we accepted in the past as
9 solutions.

10 VICE CHAIR MAGALETTA: Right.

11 CHAIRMAN HOLTZMAN: Did you catch that
12 last one there, Mr. Matule?

13 MR. MATULE: I did.

14 I think one of the issues there, and I
15 certainly let Mr. McNeight weigh in on this, is we
16 have a balcony that is five feet deep.

17 VICE CHAIR MAGALETTA: Right. It's a
18 small balcony.

19 CHAIRMAN HOLTZMAN: Kind of tough to
20 take three feet away from it.

21 MR. MATULE: To put a row of planters
22 there, I don't know if you could -- maybe you could
23 stand out there and smoke a cigarette or something,
24 but as a practical matter, I don't know if it would
25 make sense to retain the balconies with that

1 shallowness.

2 CHAIRMAN HOLTZMAN: Well, I think that
3 the Board's concerns previously have been about
4 safety, so maybe if there is a conversation about
5 what height the railing is, or maybe if it is a
6 railing that doesn't maybe take a full three feet
7 back, but maybe there's a railing that sets it back
8 a little bit from the edge, you know, if somebody
9 has a railing that sort of curves towards you if
10 you're standing on the balcony maybe. Maybe there
11 is a creative solution.

12 MR. MATULE: Maybe the conversation
13 should also just have it as an architectural feature
14 with no sliding doors there. That might make the
15 most sense from a practical point of view.

16 But if I may beg your indulgence for a
17 few minutes, I will get answers to your questions.

18 CHAIRMAN HOLTZMAN: Sure. Absolutely.
19 Thank you.

20 MR. MATULE: Thank you.

21 CHAIRMAN HOLTZMAN: So we will take a
22 break here at this moment.

23 (Recess taken)

24 CHAIRMAN HOLTZMAN: We are back on the
25 record here.

1 Mr. Matule, the floor is yours.

2 MR. MATULE: Thank you for the
3 opportunity.

4 The applicant -- two things. First of
5 all, as to the rear yard, the applicant would have
6 no objections to reducing or increasing the size of
7 the rear yard to a conforming 30 feet, keeping it
8 impervious and eliminating that variance request.

9 I can't say at this moment in time what
10 that will bring the lot coverage to. We will have
11 to recalculate that.

12 CHAIRMAN HOLTZMAN: We will have to
13 recalculate that.

14 MR. HIPOLIT: Keeping it pervious.

15 MR. MATULE: And we are going to keep
16 it pervious, yes. We will just expand what is there
17 by four and a half foot.

18 VICE CHAIR MAGALETTA: You misspoke.
19 That's why --

20 MR. HIPOLIT: It's going to be --

21 CHAIRMAN HOLTZMAN: One at a time,
22 guys.

23 MR. GALVIN: It's going to be
24 AstroTurf, but it's going to be pervious?

25 CHAIRMAN HOLTZMAN: It's going to be

1 AstroTurf and pavers.

2 MR. HIPOLIT: Which is all going to be
3 pervious.

4 CHAIRMAN HOLTZMAN: It's all going to
5 be pervious. It all is going to drain into the
6 stormwater detention system.

7 MR. MATULE: And regarding the front
8 balconies, what we would like to do is take the
9 sliders away, eliminate their use as balconies, just
10 keep them as an architectural feature. Maybe we can
11 put some green roof trays on there to have something
12 to look at. But if not, they will just have to have
13 internal drains, but we would like to keep them as
14 an architectural feature just to delineate the
15 commercial and residential entrances.

16 CHAIRMAN HOLTZMAN: Mr. Magaletta, are
17 you comfortable with that?

18 VICE CHAIR MAGALETТА: I'm fine with
19 that.

20 And as far as if you have to square it
21 out to get approval for the right-of-way, that's
22 fine. You do whatever you have to do, and I am fine
23 with that.

24 MR. MATULE: Yeah. If we can't get the
25 approvals, then that will be a diagonal --

1 VICE CHAIR MAGALETTA: Yeah, exactly.

2 That's fine.

3 Thank you.

4 CHAIRMAN HOLTZMAN: The front balcony.

5 (Counsel confers with Mr. McNeight)

6 CHAIRMAN HOLTZMAN: Let's not ball park
7 it.

8 MR. MATULE: Okay. We will submit it
9 to Mr. Hipolit --

10 CHAIRMAN HOLTZMAN: And reconfirm it
11 with the Board's Planner.

12 MR. MATULE: -- and Mr. Roberts when
13 it's calculated.

14 CHAIRMAN HOLTZMAN: Yeah.

15 So the backyard goes to 30 foot deep,
16 so it also eliminates that variance. Great.

17 Do you have some conditions here?

18 Dennis has a number of conditions. We
19 will give him a second, and then we will read those
20 into the record.

21 MR. GALVIN: All right. I'm ready.

22 CHAIRMAN HOLTZMAN: Go ahead, Dennis.

23 MR. GALVIN: One: The applicant is to
24 seek County and City Council approval of any
25 encroachment into the county or city right-of-way.

1 Two: The applicant is to record a deed
2 restriction to ensure that the owner of the
3 building, which may be a condo association, is to
4 maintain the green roof as shown on the plan as long
5 as the building exists, because you have a green
6 roof, right?

7 MR. MATULE: Yes.

8 MR. GALVIN: The deed restriction is to
9 be reviewed and approved by the Board's Attorney
10 prior to it being recorded and prior to the issuance
11 of a first certificate of zoning.

12 Three: The plan is to have a note that
13 the rear yard is to be comprised of pervious
14 AstroTurf and pervious pavers and will drain into
15 the stormwater system.

16 Four --

17 CHAIRMAN HOLTZMAN: Can you just say
18 synthetic turf, please, because AstroTurf is a
19 brand.

20 MR. MATULE: Just to be clear on that
21 point, there are planting beds around the perimeter
22 of the yard that will continue to be there.

23 MR. GALVIN: Okay.

24 CHAIRMAN HOLTZMAN: So the backyard is
25 comprised of synthetic turf, permeable pavers, and

1 planting beds.

2 MR. GALVIN: Four: If the need arises
3 to change or add cooking facilities, other than
4 pizza ovens, the applicant must return to the Board
5 to discuss the potential installation of equipment
6 to eliminate or mitigate fumes emanating from the
7 property.

8 Five: The stormwater storage facility
9 is to be sized at twice the size of what is required
10 by the North Hudson Sewer Authority.

11 MR. HIPOLIT: Correct.

12 MR. GALVIN: Six: The applicant is to
13 comply with the Flood Plain Administrator's letter.

14 Seven: The plan is to be revised to
15 increase the rear yard setback to 30 feet and to
16 show that the front balconies are not to have
17 access.

18 MR. MATULE: Correct.

19 VICE CHAIR MAGALETTA: Be eliminated.
20 The balconies are eliminated.

21 CHAIRMAN HOLTZMAN: Eliminated.

22 MR. MATULE: Right.

23 CHAIRMAN HOLTZMAN: Right what?

24 MR. MATULE: I don't know if you want
25 to call them balconies.

1 (Laughter)

2 The front overhangs will not be
3 accessible by the occupants of the building. How is
4 that?

5 CHAIRMAN HOLTZMAN: Okay.

6 MR. GALVIN: Well, okay, we can
7 disagree.

8 (Laughter)

9 To show no access to the front
10 overhangs.

11 CHAIRMAN HOLTZMAN: Okay.

12 MR. GALVIN: Because if you call it a
13 balcony, then they're going to treat it as a
14 balcony.

15 MR. HIPOLIT: It is an overhang.

16 CHAIRMAN HOLTZMAN: All right, a better
17 word.

18 CHAIRMAN HOLTZMAN: Anything else?

19 MR. MATULE: County site plan
20 approval?

21 MR. GALVIN: I put the city and county.
22 I put them together. That's all right.

23 MR. MATULE: I'm just throwing it out
24 there.

25 CHAIRMAN HOLTZMAN: We are good?

1 MR. GALVIN: Yes. Only seven.

2 CHAIRMAN HOLTZMAN: Commissioners, any
3 additional comments, questions on the conditions or
4 any other issues, any opinions that you wish to
5 offer?

6 COMMISSIONER JACOBSON: Yes.

7 Relative to two of the conditions, one,
8 I think the one around the change in cooking
9 equipment might be a bit too limiting and not easily
10 enforced. So, for example, something like a
11 microwave oven would require the operator to come in
12 and review that with this Board.

13 I think the intent is something like
14 Mr. Matule had indicated, something requiring an
15 ansul Class I hood, something like that, so that we
16 are really just limiting it to the requirement that
17 would change, not -- putting in a microwave oven
18 seems a bit --

19 MR. GALVIN: If I may.

20 It is like, if we put in a microwave
21 oven, it is not going to generate any new smells, so
22 nobody is going to complain. The zoning officer is
23 not going to even know that they have added a
24 microwave oven.

25 What we are really talking about is

1 it's no longer Domino's, and now it has become
2 Fudgee's Fish Restaurant and --

3 (Laughter)

4 -- you know, and the zoning officer
5 will say something is wrong here. It smells funny.
6 It smells like fish --

7 MR. MATULE: It smells fishy.

8 (Laughter)

9 MR. GALVIN: -- and then they go and
10 check the resolution, and they say, oh, you got to
11 go back and get a hood, okay?

12 Unless you guys want to help me with
13 the wording, so --

14 CHAIRMAN HOLTZMAN: Mr. Matule, are you
15 okay with the wording the way it is, or you and
16 Dennis will work something out?

17 MR. MATULE: Yes.

18 CHAIRMAN HOLTZMAN: Thank you.

19 MR. MATULE: I would prefer to see it
20 on paper, and then we can talk, if it's fishy.

21 CHAIRMAN HOLTZMAN: You'll work it out.
22 Okay.

23 COMMISSIONER JACOBSON: And my other
24 was, in this case, I was actually fine with the
25 access to the overhangs as balconies. I think given

1 the relatively small size triangular configuration,
2 they are really not going to be party balconies. If
3 something were to fall, it would fall from a height
4 of ten feet as opposed to 40 feet.

5 In this case I was fine with the owner
6 access to those balconies slash overhangs.

7 (Board members talking at once)

8 THE REPORTER: I don't know what you
9 said.

10 CHAIRMAN HOLTZMAN: One at a time,
11 guys.

12 COMMISSIONER KELLY: I appreciate the
13 applicants's change to the building depth and to the
14 balconies, although I agree with Tom, that I had no
15 problem with the -- I'm sorry -- the overhangs. I
16 didn't have a problem with the balconies as they
17 were, but I do appreciate the applicant making those
18 requests on this application.

19 CHAIRMAN HOLTZMAN: Okay.

20 Anything, Ms. Graham?

21 COMMISSIONER GRAHAM: No. I am pleased
22 about the reduction and hopefully lot coverage as
23 well. I mean, I understand that particular
24 neighborhood --

25 CHAIRMAN HOLTZMAN: Do you want to

1 offer any opinion on the balconies since they are
2 balcony overhangs?

3 COMMISSIONER GRAHAM: Nope.

4 (Laughter)

5 CHAIRMAN HOLTZMAN: Mr. Peene, anything
6 else?

7 COMMISSIONER PEENE: No. Everything
8 has been addressed.

9 CHAIRMAN HOLTZMAN: Thank you.

10 MR. GALVIN: I think I have a solution
11 on the condition.

12 If the need arises to change the --

13 CHAIRMAN HOLTZMAN: Mr. McKenzie,
14 anything?

15 COMMISSIONER MC KENZIE: No. I liked
16 the balconies the way they were, too.

17 CHAIRMAN HOLTZMAN: You liked the
18 balconies the way they were?

19 COMMISSIONER MC KENZIE: Yes.

20 CHAIRMAN HOLTZMAN: As balconies, not
21 overhangs.

22 Yes, Mr. Galvin.

23 MR. GALVIN: If the need arises to
24 change or add cooking facilities that generate
25 fumes, other than for pizza ovens --

1 CHAIRMAN HOLTZMAN: Good enough.

2 MR. GALVIN: -- so a microwave doesn't
3 generate fumes, then you wouldn't come back, but if
4 it's something else that generates fumes --

5 COMMISSIONER PEENE: Correct me, if I
6 am wrong, Domino's makes Buffalo wings, too.

7 CHAIRMAN HOLTZMAN: They do.

8 COMMISSIONER PEENE: And how would that
9 affect the condition?

10 CHAIRMAN HOLTZMAN: Mr. Peterson, why
11 don't you come back up and visit us again?

12 T H O M A S P E T E R S O N, having been
13 previously sworn, testified further as follows:

14 COMMISSIONER PEENE: Just using my
15 expertise here.

16 THE WITNESS: Domino's was established
17 in 1960. That is how long they have been around.
18 They have always kind of been sort of like a bakery.
19 We have always baked, and we had a wide assortment.
20 We have sandwiches now. We have pasta. We have
21 Buffalo wings, and we bake there.

22 So as far as any grease laden vapors,
23 we don't have any, as Mr. McNeight had said earlier.

24 I don't think after 60 years, whatever
25 we have been in business, that we are going to

1 change any time soon, because that means all of the
2 stores are going to have to retrofit themselves, and
3 it is going to open up a can of worms for everybody,
4 and I think we are to remain as we are, basically a
5 bakery, that we will always bake our items.

6 COMMISSIONER PEENE: Thank you.

7 CHAIRMAN HOLTZMAN: Thank you, Mr.
8 Peterson.

9 THE WITNESS: You're welcome.

10 MR. MATULE: Thank you.

11 (Witness excused)

12 CHAIRMAN HOLTZMAN: Any members of the
13 public that have any questions or comments or
14 opinions on the application?

15 Okay,

16 Are there any motions on the floor at
17 this point?

18 COMMISSIONER GRAHAM: I move to
19 approve, please.

20 CHAIRMAN HOLTZMAN: You move to approve
21 with how many conditions, Dennis?

22 MR. GALVIN: Seven conditions.

23 COMMISSIONER GRAHAM: With the
24 conditions, yes.

25 CHAIRMAN HOLTZMAN: With the seven

1 conditions?

2 COMMISSIONER GRAHAM: Yes.

3 MR. GALVIN: Plus our regular ones.

4 CHAIRMAN HOLTZMAN: Okay.

5 Is there a second for the motion?

6 COMMISSIONER MC KENZIE: Yes. I second
7 it.

8 CHAIRMAN HOLTZMAN: Caleb seconds it.

9 Pat, please.

10 MS. CARCONE: Commissioner Magaletta?

11 VICE CHAIR MAGALETTA: Yes.

12 MS. CARCONE: Commissioner Graham?

13 COMMISSIONER GRAHAM: Yes.

14 MS. CARCONE: Commissioner McKenzie?

15 COMMISSIONER MC KENZIE: Yes.

16 MS. CARCONE: Commissioner Peene?

17 COMMISSIONER PEENE: Yes.

18 MS. CARCONE: Commissioner Jacobson?

19 COMMISSIONER JACOBSON: Yes.

20 MS. CARCONE: Commissioner O'Connor?

21 COMMISSIONER O'CONNOR: Yes.

22 MS. CARCONE: And Commissioner

23 Holtzman?

24 CHAIRMAN HOLTZMAN: Yes.

25 MR. MATULE: Great. Thank you very

1 much.

2 (Board members confer)

3 CHAIRMAN HOLTZMAN: Thank you, Mr.

4 Matule.

5 Is there a motion to end the meeting?

6 COMMISSIONER O'CONNOR: I move to end
7 the meeting, adjourn the meeting.

8 COMMISSIONER MC KENZIE: Second

9 CHAIRMAN HOLTZMAN: All in favor?

10 (All Board members voted in the
11 affirmative)

12 (The meeting concluded)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: 7/7/16
This transcript was prepared in accordance with
NJAC 13:43-5.9.